

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6854 of 2020

Arising Out of PS. Case No.-78 Year-2019 Thana- SANGRAMPUR District- Munger

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Ashirbad Kumar, S/o Sudhir Prasad Singh, R/o village- Khapra, P.S.-
Sangrampur, Distt.- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kumar Kamal Nayan, Advocate

For the Opposite Party/s : Mr.Manoj Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 18-06-2020 The matter has been listed today for consideration

through video conferencing in view of the nationwide lockdown

on account of COVID-19 pandemic.

The learned counsels are appearing and making
submissions from their residence. The Court Master and
Secretary are also part of this virtual Court proceedings from
their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner is apprehending his arrest in connection
with G.R. No.1194/2019 arising out of Sangrampur P.S. Case
No.78 of 2019 registered for the offence punishable under
Sections 447, 406, 409 and 420 of the Indian Penal Code.

A written report has been made by Block



Development Officer, Sangrampur, which forms the basis of the F.I.R.

Substance of the allegation is that co-accused Chandrashekhar Prasad Singh, President of the Executive Committee of the Ward and the instant petitioner, Secretary of the Executive Committee of the Ward have forcibly constructed P.C.C. road on private land of the complainant, namely, Sulekha Devi, wife of Sadanand Singh. The complaint was made before the Public Complaint Redressal Officer, Tarapur.

The petitioner's counsel submits that it is a case of false implication. Falsity is evident from the fact that the complaint has been filed after completion of the construction. No objection or complaint was lodged when the construction was being done. The construction of the P.C.C. road is in straight line and therefore, the fact that the Sulekha Devi is the sole complainant and no other has objected in the line is indicative of the falsity of the allegation. The allegation is of misuse of Government fund, in the aforesaid circumstances. Defalcation has not been alleged.

Learned APP for the State has opposed the prayer for pre-arrest bail.

Considering the rival submissions, this Court is



inclined to allow the petitioner's prayer for grant of anticipatory bail.

Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Sri Akhilesh Pandey, S.D.J.M., Munger, in connection with G.R. No.1194/2019 arising out of Sangrampur P.S. Case No.78 of 2019, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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