

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)  
CRIMINAL MISCELLANEOUS No.5902 of 2020**

Arising Out of PS. Case No.-66 Year-2018 Thana- CHAUTHAM District- Khagaria

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NARESH CHOUDHARY Son of Vishundeo Choudhary Resident of Village -  
Aguani, P.S. - Parbatta, District - Khagaria, the then Panchayat Secretary of  
Gram Panchayat Raj Telouch.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Kumar Rajeev, Adv.

For the Opposite Party/s : Mr.Anand Mohan Prasad Mehta, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
ORAL ORDER

4      31-08-2020                      Heard learned counsel for the petitioner and learned  
APP for the State.

Petitioner in the present case is seeking pre-arrest bail  
in connection with Chautham P.S. Case No.66/2018 registered  
for the offences punishable under Sections 406 and 409 of the  
Indian Penal Code.

Learned counsel for the petitioner submits that the  
petitioner who happens to be the then Panchayat Secretary of  
Gram Panchayat Raj, Telouch has been made accused in this  
case on a vague allegation that all the accused persons have  
misappropriated funds in purchase of solar light under B.R.G.F.  
scheme in different gram panchayats.

Learned counsel submits that solar light of a particular



company was not available so the solar lights of other company were installed and only for this reason the allegations have been made. Referring to a series of orders passed by learned coordinate Benches of this Court, learned counsel has submitted that from Annexure-2 series it would appear that co-accused similarly situated have been granted privilege of anticipatory bail by learned coordinate Benches of this Court in Cr.Misc.No.34179/2018, 55685/2018 and 36128/2018.

Learned APP for the State does not dispute that the case of the petitioner stands on equal footing with the co-accused who have been granted privilege of pre-arrest bail by learned coordinate Benches of this Court.

In the given facts and circumstances of the case, let the petitioner above named in the event of his arrest or surrender within a period of four weeks from today in connection with Chautham P.S. Case No.66/2018 be released on bail on furnishing bail bonds of Rs. 25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of Sri S.M. Tripathi, learned J.M.-1st Class, Khagaria, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself



available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

**(Rajeev Ranjan Prasad, J)**

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

