

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8235 of 2020

Arising Out of PS. Case No.-71 Year-2012 Thana- PARAIYA District- Gaya

1. RAMPRASAD PASWAN S/o Late Bipat Paswan R/o village- Maniyara, P.S.- Paraiya, District- Gaya
2. Ram Pukar Paswan S/o Late Bideshi Pasawn R/o village- Maniyara, P.S.- Paraiya, District- Gaya
3. Ramashish Paswan S/o Late Banshi Paswan R/o village- Maniyara, P.S.- Paraiya, District- Gaya
4. Bhanu Paswan @ Bhonu Paswan S/o Late Banshi Paswan R/o village- Maniyara, P.S.- Paraiya, District- Gaya
5. Sujay Paswan S/o Late Sonkali Paswan R/o village- Maniyara, P.S.- Paraiya, District- Gaya
6. Jagdish Paswan S/o Late Sonkali Paswan R/o village- Maniyara, P.S.- Paraiya, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinod Kumar
For the Opposite Party/s : Mr.Md. Matloob Rab
Mrs. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 19-06-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioners and Mrs. Anita Kumari Singh, the learned APP appearing for the State.

The petitioners apprehend their arrest in connection



with Paraiya P.S. Case No. 71 of 2012, for the offence punishable under Sections 406/34 of the Indian Penal Code.

The case of the prosecution in brief is that the accused persons including the petitioners herein are alleged to have not completed the construction work of the pump house as against the advanced money paid to them and in the process they have misappropriate the government money.

The learned counsel for the petitioners has submitted that the petitioners are innocent, have been falsely implicated in the present case and are having clean antecedent. It is further submitted that the learned court of A.D.J.-II, Gaya, in the impugned order dated 09.12.2019, has himself recorded the fact that the petitioners had returned the balance amount in the year 2019, after lodging of the FIR in the year 2012. It is further submitted that similarly situated co-accused persons have already been granted bail by co-ordinate Benches of this Court vide orders dated 3.3.2020 and 6.3.2020 passed in Cr. Misc. No. 9505 of 2020 and Cr. Misc. No. 73488 of 2019, respectively.

The learned A.P.P. appearing for the State has vehemently opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the



case, considering the submissions made by the learned counsel for the petitioners and taking into account the fact that the petitioners have stated in paragraph-9 of the present petition that they had deposited the balance amount in the Block office, Paraiya Block on 27.11.2019, whereafter no objection certificate has been granted to them , as also considering the parity of the case of the petitioners with those accused persons who have already been granted bail by co-ordinate Benches of this Court, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender before the learned court below within a period of four weeks from today, the petitioners, above-named, shall be released on anticipatory bail on furnishing bail-bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-III, Gaya in connection with Paraiya P.S. Case No. 71 of 2012, subject to the conditions as laid down under Section 438(2) Cr. P.C.

(Mohit Kumar Shah, J)

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