

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12591 of 2020**

Arising Out of PS. Case No.-164 Year-2019 Thana- NALANDA District- Nalanda

Purushottam Kumar Son of Bipin Bihari Prasad Resident of Village - Nirmal
Bigaha, P.S. - Nalanda, District - Nalanda.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sunil Kumar

For the Opposite Party/s : Mr. Parmeshwar Mehta

**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER**

2 09-07-2020 Heard learned counsel for the petitioner and learned
counsel for the State via video conferencing.

The petitioner has filed the present application for grant of pre-arrest bail in connection with Nalanda P.S. Case No. 164 of 2019 registered for the offences punishable under Sections 420, 409 and 188 read with 34 of the Indian Penal Code.

Learned counsel for the petitioner submitted that no specific role of the petitioner has been attributed in the irregularities highlighted in the FIR. He contended that subsequent to the institution of the first information report, the Junior Engineer made physical enquiry and wrote to the informant about physical status of the work done by the petitioner in his letter. He has clearly stated that all the



grievances/allegations have been redressed and the water supply is functioning properly. Thereafter, the Block Development Officer, Silao, Nalanda (informant) wrote a letter bearing no. 64 dated 15.01.2020 to the District Programme Officer, Nalanda regarding the completion of work in Nirmal Bigha and Shobha Bigha village under Surajpur Panchayat in Silao Block, Nalanda. It is thus submitted that there is no deficiency in the work and it is not a case either of cheating or of criminal misappropriation of money.

On the other hand, learned counsel appearing for the State submitted that there is allegation in the first information report that several irregularities were committed in execution of the work by the petitioner. He contended that it is not known where the letters as contained in Annexures-6 and 7 to the present application are genuine or forged.

In reply, learned counsel appearing for the petitioner submitted that in case, the aforesaid letters are found forged, the petitioner and deponent are ready to face further criminal prosecution and, in such event, if an application for cancellation of bail is filed, the same should be cancelled.

Having heard the parties, the petitioner is directed to be released on bail in the event of his arrest or surrender before



the court below, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Nalanda in connection with Nalanda P.S. Case No. 164 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, and that in case, the letters of the Junior Engineer, Silao as contained in Annexure-6 and the letter of the Block Development Officer, Silao, Nalanda contained in Annexure-7 would be found forged or incorrect, the pre-arrest bail granted to the petitioner shall stand automatically cancelled.

(Ashwani Kumar Singh, J)

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