

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14430 of 2020

Arising Out of PS. Case No.-429 Year-2019 Thana- BAHERA District- Darbhanga

1. LALDAI DEVI W/o- Late Mithilesh Mishra Residence of Village- Devram Amaithi, P.S.- Bahera, District- Darbhanga.
2. Dev Kumar Jha S/o Ram Krishina Jha Residence of Village- Devram Amaithi, P.S.- Bahera, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Kedar Jha
For the Opposite Party/s :	Mr.Parmeshwar Mehta
	Ms. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 29-06-2020 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 Ms. Anita Kumari Singh, the learned APP for the State.

This is an application for grant of anticipatory bail in connection with Bahera P.S. Case No. 429 of 2019 registered for the offence punishable under Sections 406/420 of the Indian Penal Code.

The accusation against the petitioners herein



is regarding them having cheated and misappropriated government's money allotted to them for the work under Mukhyamantri Saat Nischay Mission Yojana.

The learned counsel for the petitioners has submitted that a bare perusal of the case diary would show, as is apparent from the impugned order dated 1.2.2020, that witnesses have stated that the work has been completed by the petitioners and the only allegations levelled by them is regarding slow working having been conducted by them in capacity of ward member and ward Sachiv respectively qua the Yojana of providing water supply to each house. The learned counsel for the petitioners has further submitted that the petitioners are innocent, they have been falsely implicated in the present case and they are having a clean antecedent. The learned counsel for the petitioners has referred to paragraph nos. 8 to 10 of the present petition to state that that the entire work under the concerned project has been completed by the petitioners herein.



Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case and taking into account the statement made by the petitioners in the petition to the effect that they have completed the entire work under the concerned project, apart from the fact that they are having a clean antecedent, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail.

Accordingly, the petitioners are directed to be enlarged on anticipatory bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Benipur, Darbhanga in connection with Bahera P.S. Case No. 429 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal



Procedure.

(Mohit Kumar Shah, J)

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