

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13769 of 2020

Arising Out of PS. Case No.-63 Year-2019 Thana- BHAGWANGANJ District- Patna

SHAILENDRA KUMAR, aged about 23 years, Gender-M, S/o Late Ram Chandra Bind, Resident of Village- Samastichak, P.S.- Bhagwanganj, Distt-Patna.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Vijay Kumar Sinha, Advocate.
For the Opposite Party : Mr.Ashok Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 29-06-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner is apprehending his arrest in a case for the offence registered under Sections 406, 409 and 420/34 of the IPC.

The prosecution story, in brief, is that under the ‘Seven Score Scheme of the Chief Minister’ vide Letter No. 2447 dated 06.12.2018, an amount of Rs. 12,00,000/- was withdrawn for implementation of ‘Nal-Jal Yojna’ in Bhagwanganj



Panchayat by the WIMC Chairman-cum-Ward Member, Smt. Poonam Devi and the Ward Secretary Sri Shailendra Kumar (petitioner) of Ward No. 13 but after physical verification the *Tanki* and Staining work was also not done and the account of expenses money was also not produced and the quality of the articles was also not produced and no documents was conserved regarding the work and the Chairman-cum-Ward Member Smt. Poonam Devi and the Ward Secretary Sri Shailendra Kumar (petitioner). Hence, the instant F.I.R. has been lodged.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The petitioner is a Ward Secretary of the Bhagwanganj Panchayat. It is further submitted that the petitioner is ready to deposit an amount of Rs. 2,00,000/- (Rupees Two Lacs) only in the learned court below which shall be subject to result of the case.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the facts and circumstances of the case and also the lockdown, the petitioner above named, is directed



to deposit an amount of Rs. 2,00,000/- (Rupees Two Lacs) only in the learned court below which shall be subject to final result of the case. On doing so, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of the learned J.M. Ist Class, Masaurih, in connection with Bhagwanganj P.S. Case No. 63 of 2019, G.R. No. 814 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each within a period of seven weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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