

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20527 of 2020**

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

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SHEKHAR ATHAWANI @ SHEKHAR ATHWANI @ CHANDRA
SHEKHAR Son of Pritam DAs Athawani @ Pritam Das Athwani Resident of
Village- Kathalwari Bela, P.S.- Darbhanga Sadar, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manish Kumar No 13

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

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

2 20-07-2020 The matter has been taken up in a court proceeding
conducted through virtual mode.

Since, the physical court is not functional, due to
present pandemic Covid-19, the present application has been
listed with defects.

Learned counsel for the petitioner undertakes to
remove the defects within three weeks of resumption of
functioning of the court in physical mode.

If the defects are not removed within the said period,
the office will again place the matter on board.

Heard learned counsel for the petitioner and Mr.
Uma Shankar Prasad Singh, learned counsel for the State.

The petitioner is apprehending his arrest in a case



registered for the offences punishable under Section 406 and 420 of the IPC.

The prosecution case, as per the written report of Vinay Mohan Jha, submitted to the Station House Officer, Bahera Police Station is to the effect that under 'Mukhya Mantri Saat Nishchay Yojna' the works have not been done properly and government money has been misappropriated. The petitioner is alleged to have supplied the materials.

Learned counsel for the petitioner submits that with regard to execution of work, the petitioner has no role to play as the petitioner was only to supply the materials when the persons, who were In-Charge of getting the work executed, namely, Laldai Devi, being the Ward Member and Dev Kumar Jha, being the Ward Secretary have been granted anticipatory bail by a Co-ordinate bench of this Court vide order dated 29.06.2020, passed in Cr. Misc. No. 14430 of 2020. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned counsel for the State submits that the petitioner is named in the FIR with specific accusation.

Considering the fact that thrust of accusation is against the executing agency and co-accused persons have



already been granted anticipatory bail by a Co-ordinate bench of this Court as well as the statement made in the petition to the effect that the petitioner is not having any criminal antecedent, let the petitioner above named be released on anticipatory bail for the present provisionally for a period of three months in the event of arrest or surrender before the learned Court below within a period of four weeks on furnishing one surety to the satisfaction of the learned Additional Chief Judicial Magistrate, Benipur, Darbhanga in connection with Bahera P.S. Case No. 429 of 2019.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional anticipatory bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties including one surety given at the time of provisional bail 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..

The learned Court below will be at liberty to extend the period of provisional bail further if the court proceeding in physical mode will not resume in next three months.

(Dinesh Kumar Singh, J)

Amrendra/-

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