

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.25967 of 2020**

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

1. KAIL CHAUDHARY Son of Nanhak Chaudhary Resident of Village- Bagahi, P.S.- Paraiya, District- Gaya.
2. Shiva Chaudhary Son of Ramdas Chaudhary Resident of Village- Bagahi, P.S.- Paraiya, District- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prithivi Raj Singh, Advocate
For the Opposite Party/s : Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 16-10-2020 Learned counsel for the petitioner undertakes to remove all the defects, as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and Mr. Zainul Abedin, learned APP for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Paraiya P.S. Case No. 71/2012 registered for the offences punishable under Sections 406 and 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that from the first information report it will appear that this case has been lodged on the basis of a letter written by the Deputy



Development Commissioner, Gaya pointing out that in the report of the Auditor General of the Government of India a sum of Rs. 4,75,000/- has remained outstanding against the Millieum Pales Scheme Group and in this regard the Chairman and Secretary of the group were directed to do the work. It is alleged that against the amount provided to the group the list of beneficiaries shows the work value of Rs. 1,64,797/- only, therefore, the remaining amount out of Rs. 4,75,000/- is to be recovered. So far as these two petitioners are concerned, their name appears at serial no. 2 and against him a sum of Rs. 2,256/- has been shown recoverable whereas petitioner no. 2 is also named in the same column and in fact from both of them the said amount of Rs. 2256/- has been shown recoverable.

Learned counsel submits that the petitioners have already deposited the said amount earlier but had not taken the receipt but even at this stage the petitioners are ready to deposit the said amount of 2256/- for purpose of grant of anticipatory bail but without prejudice to their contention.

Learned APP for the State has though opposed the prayer for anticipatory bail of the petitioners but taking note of the submissions of learned counsel for the petitioners that till date no chargesheet has been filed against these petitioners and



further that co-accused similarly situated have been granted privilege of anticipatory bail by learned coordinate Bench of this Court in Cr. Misc. No. 83738/2019 and the petitioners are ready to deposit Rs. 2256/- with the Block Development Officer subject to result of the case and without prejudice to their contentions, this Court directs that in case of their arrest/surrender within four weeks from today, petitioners be released on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. - 2nd, Gaya, in connection with Paraiya P.S. Case No. 71/2012, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.



Further condition that they will deposit Rs. 2256/- with the Block Development Officer, Paraiya, Gaya who will receive the same and shall grant a certificate in this regard to the petitioners immediately on deposit which will also be filed before the learned court below while submitting bail bond.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners.

This application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

