

IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr. Misc. No. 22243 of 2020

1. Lal Babu Prasad, S/o Daroga Prasad Singh, Resident of village Alinoura, P.S.-Minapur, District-Muzaffarpur.
 2. Mahendra Prasad, S/o Late Namichand Prasad, resident of Village-Daudchhapra, P.S.-Ahiyapur, District-Muzaffarpur.

... .. Petitioners

Versus

1. The State of Bihar
 2. Prithvi Ram, S/o Mannu Ram, Resident of Village-Alinoura, P.S.-Minapur, District-Muzaffarpur.

.. ... Opposite Parties

Appearance :

For the Petitioners : Mr. Arun Kumar, Advocate
 For the Respondent State: Mr. Ashok Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 18-08-2020 Heard Mr. Arun Kumar, learned counsel appearing on behalf of the petitioners and Mr. Ashok Kumar, learned Additional Public Prosecutor, for the State of Bihar.

This application for grant of anticipatory bail arises out of Complaint Case No. 421 of 2018 (Tr. No.2891/19), registered for the offence punishable under Sections 406 and 420 of the Indian Penal Code.

A complaint case was referred to the police under Section 156(3) of the Cr.P.C. for registration of F.I.R. and accordingly the F.I.R. was registered. The petitioner No. 1 was Mukhiya of concerned Gram Panchayat at the relevant point of time. There is allegation that the petitioners, in connivance with others, by be-fooling the workers under MANREGA Scheme,



misappropriated the amount of wages of so many workers. After completing the investigation, the police submitted final report, opining the allegation to be mistake of fact. Cognizance has, however, been taken by the Court below on the basis of a protest-cum-complaint petition. Since final form has been submitted, finding the case to be a mistake of fact, evidently, the petitioners are not required for investigation and no purpose is going to be served if they are taken into custody.

This application is accordingly allowed.

Let the petitioners above named, in the event of their arrest/surrender within six weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Muzaffarpur, in Complaint Case No. 421 of 2018 (Tr. No.2891/19), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the Police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

It is indicated that defect, if any, shall be removed



within two months.

Since there is a lock down, the Court has considered it appropriate to adopt following procedure for communication of the present order :-

(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by this Court today in the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential-office for documentation and future use, if any.

(iv) Let a copy of the order be communicated to the learned Court below through e-mail or any other appropriate electronic mode by the Registry.

Let steps be taken by the Registry for uploading of the present order without compromising with the norms of social distancing.

(Chakradhari Sharan Singh, J)

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