

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72926 of 2019

Arising Out of PS. Case No.-1488 Year-2018 Thana- SASARAM NAGAR District- Rohtas

SUIJIT KUMAR SINGH Son of Late Jagnarayain Singh Resident of Village -
Modarsa Road Sasaram, P.O.- and P.S.- Sasaram (T), Distt.- Rohtas.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramchandra Singh, Adv.
For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 16-03-2020 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 406/409 of the Indian
Penal Code.

The prosecution case as per the written report of Radhika
Devi, Ward Member submitted before the S.H.O., Darigaon
Police Station is to the effect that the petitioner was given
altogether Rs.7,95,744/- for deep boring and supply of
equipments under Nal Jal Yojna but neither the prescribed work
has been completed nor the equipments have been supplied and
ultimately on 19.04.2018 only Rs.1,65,744/- has been returned
and rest amount of Rs.6,30,000/- has been misappropriated by
the petitioner.



It is submitted by learned counsel for the petitioner that equipment for deep boring costing Rs.6,30,000/- has already been supplied which has been received by the Panchayat Mukhiya and two Ward Members since the informant was not present, but since the place for fixation of deep boring was not finalized, hence, the petitioner returned the amount of Rs.1,65,744/-. A certificate to that effect has been filed by the Panchayat Mukhiya which has been brought on record as Annexure-3 to the supplementary affidavit. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned APP for the State after going through the case diary that it is specific case of the petitioner that the petitioner has neither supplied the equipment nor has conducted the deep boring work.

Considering the fact that the Panchayat Mukhiya and the Ward Members have already filed a certificate before the learned Court below to the effect that they have received the equipment and this fact has not been controverted by the learned APP for the State, let the above named petitioner be released on provisional anticipatory bail for three months, in the event of arrest or surrender before the learned Court below within a



period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Sasaram, Rohtas, in connection with Sasaram (T) Darigaon P.S. Case No.1488 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional anticipatory bail of the petitioner will be confirmed by the learned Court below on verification of the affidavit claimed to have been filed by the Panchayat Mukhiya before the learned Court below.

(Dinesh Kumar Singh, J)

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