

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86245 of 2019

Arising Out of PS. Case No.-261 Year-2019 Thana- CHANPATIA District- West Champaran

Sanjay Kumar, Son of Thakur Prasad, Resident of Village-Shukul Tola, Ward No.7, P.S.-Chanpatiya, District-West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

.. .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sachida Nand Rai, Advocate

For the Opposite Party/s : Mr.Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL ORDER

2 18-02-2020 Heard learned counsel for the petitioner and learned
counsel for the State.

In this case, the petitioner is seeking anticipatory bail in connection with Chanpatiya P.S. Case No. 261 of 2019, registered for the offence punishable under Sections 420, 409/34 of the Indian Penal Code.

Allegation has been made that the petitioner along with others were beneficiaries of 'Swaach Bharat Mission' and after taking amount of construction of toilet, they have not constructed the toilet and defalcated the amount of Rs. 7500/- provided to them for the same, however, counsel for the petitioner submits that he has already constructed the toilet and for that the Executive Officer, Nagar Panchayat, Chanpatiya has issued a certificate dated 21.09.2019 certifying that the petitioner has constructed the toilet.



Looking to the entire facts and circumstances of the case, let the petitioner, above-named, be released on **provisional anticipatory bail** in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the Sub-Divisional Judicial Magistrate, Bettiah, West Champaran, in connection with Chanpatiya P.S. Case No.261 of 2019, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

This Court directs the court below to verify as to whether the construction of toilet has been made or not and also to verify the authenticity of the aforesaid certificate dated 21.09.2019. If it is found that the construction has been made and the aforesaid certificate is genuine, in that circumstances, his provisional bail will be confirmed. If it is found that the construction has not been made and the aforesaid certificate is false, in that circumstances, his bail bond will be treated to have been cancelled.

(Shivaji Pandey, J)

V.K.Pandey/-

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