

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9377 of 2020

Arising Out of PS. Case No.-204 Year-2019 Thana- KONCH District- Gaya

1. LEELAWATI DEVI W/O Dwarika Prasad
2. Mukesh Kumar S/O Shiv Sharan Yadav both Resident of Village - Kerki,
P.S. - Konch, District - Gaya (Bihar).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr .Sanjay Kumar Sharma, Adv.

For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 05-02-2021 Heard learned counsel for the petitioners and learned
APP for the State.

Learned counsel for the petitioners undertake to remove the defects within four weeks of resumption of normal functioning of the Court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 420/409/34 of the Indian Penal Code.

Prosecution case as lodged by the informant is that in Panchyat Kanausi Ward No. 8 of village Kerki, work of Nal Jal Scheme was being done by ward management committee for



which sanctioned amount was of Rs. 13,80,400/- cheque of Rs. 8,00,000/- was given to Chek Star Enterprises as advance against the Government Rule. Inspection was done by DDC in which boring was found complete and was directed to complete the work within 15 days. Inspection was also done by BDO Guraru on 27.05.2019 during which work was not found satisfactory as pipe was being given in 1.5' to 2' in deep. Hence, FIR was instituted.

Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. Counsel for the petitioners has filed the supplementary affidavit wherein it has been stated that firstly work was estimated of Rs. 13,80,400/- and in which the petitioners have done work of Rs. 13,60,089/- and whereafter rest amount of Rs. 20,000/- is saved in concerned bank account. He submits that as per FIR informant alleged that a check amount of Rs. 8,00,000/- has issued in favour of Check Star Enterprises as an advance against Government Rule in that regards petitioners submit that Check Star Enterprises is a genuine supplier and having GST No. 10ESZPK7817Q1ZQ and has supplied materials of Nal-Jal Yojana Scheme on 30.03.2018, 25.04.2018 and 25.01.2019 of total Rs. 9,03,842 and dues amount has paid by the petitioners.



He further submits that petitioners have no criminal antecedent as stated in para-3 of the bail application.

In the facts and circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.20,000/- (rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-III, Gaya in connection with Konch Police Station Case No. 204 of 2019 (G.R. No. 3537 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjani Kumar Sharan, J)

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