

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.23711 of 2021**

Arising Out of PS. Case No.-121 Year-2020 Thana- DHANSOI District- Buxar

Arsad Ali, son of Late Ainul Hoda, R/o Village- Bari Tola, Buxar, P.S.- Buxar
(T), District- Buxar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Shivendra Kumar Sinha, Advocate

Mr. Ramakant Yadav, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 04-09-2021 Heard learned counsel for the petitioner and Mr.
Sanjay Kumar Tiwary, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Dhansoi P.S. Case No. 121 of 2020, G.R. No. 1584/2020 registered for the offence under Section 406, 409, 420 of the Indian Penal Code. He is in custody since 18.01.2021.

The F.I.R. in the present case has been lodged alleging embezzlement of Rs. 6,74,463/- in respect of Nal Jal Yojana for the financial year 2017-2018. It is alleged that despite receiving money the petitioner had not completed the work.

Learned counsel for the petitioner submits that the work in question was allotted to this petitioner with respect to Ward No. 6 of Gram Panchayat, Dhansoi. He has received a

sum of Rs. 14,00,000/- and during execution of the work since he was unable to fulfill the illegal demand of the informant, the present case has been lodged.

Learned counsel submits that regarding completion of work Technical Officer at Rajpur Block, Panchayati Raj Officer as well as the Block Development Officer have written letter to the superior authority which is Annexure '2' to the present petition.

It appears on perusal of the copy of the letter which has been brought on record that the Block Development Officer, Rajpur has vide it's memo No. 05 dated 05.01.2020 written to the Chairman of the Ward Implementation and Management Committee of Ward No. 6 & 7 of the Gram Panchayat Dhansoi that in course of verification it has been found that the work has been done and people are getting the water. A direction has been issued to file an appropriate affidavit in this regard in the court.

Learned A.P.P. for the State has though opposed the prayer for bail of the petitioner but considering the facts and circumstances of the case wherein it appears from the letter of the Block Development Officer, Rajpur that the work has been completed, this Court directs release of the petitioner above-named on bail on furnishing bail bond of Rs. 25,000/- (Rupees

Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Dhansoi P.S. Case No. 121 of 2020, G.R. No. 1584/2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

And further condition that in case it is found that the work has not been completed and in this regard any wrong impression has been given to this Court, it will be open for the informant to move this Court with an appropriate application.

This application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.