

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.28065 of 2020**

Arising Out of PS. Case No.-40 Year-2020 Thana- CHAUTHAM District- Khagaria

Shyamal Kishor Vidyarthi, aged about 38 years (Male), S/o Singheshwar Rajak Resident of Village- Rupni, P.S.- Chautham, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Binod Kumar, Advocate  
For the State : Mr. Md. Arif, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH**  
**ORAL JUDGMENT**

**Date : 22-01-2021**

The matter has been heard *via* video conferencing.

2. Heard Mr. Binod Kumar, learned counsel for the petitioner and Mr. Md. Arif, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner apprehends arrest in connection with Chautham PS Case No. 40 of 2020 dated 06.02.2020, instituted under Sections 406/409/420/34 of the Indian Penal Code.

4. The allegation against the petitioner is that on a complaint made by two persons, upon enquiry, it was found that the work done under the Panchayats in question, in the account of the petitioner money was transferred by the Chairman and Secretary of the Wards concerned without him having any role in the matter.



5. Learned counsel for the petitioner submitted that he is a teacher and has no role in the entire episode. It was submitted that the only lapse on his part was that the contractor was getting payments made through him to various persons and that is why the money was kept in his account. Learned counsel submitted that the contractor purchased the cement through him for completing the work and payments of such cement was deposited in his account. It was submitted that the works in question have also been completed.

6. Learned APP submitted that there is absolutely no explanation with regard to why the money of the concerned Wards was directly deposited into the account of the petitioner, if he was nowhere connected with any of the works in question, which clearly indicates that he was a middleman in the matter for obvious reasons, which is proven by the records and also not disputed by the petitioner. It was submitted that even if it is assumed that the material was purchased by the contractor through the petitioner, then also it was a matter between the contractor and the petitioner and the amount should have been paid to the petitioner through the contractor as the contractor was the person who was to get the money, but the money being transferred directly into the account of the petitioner leaves no



shade of doubt that it was totally illegal and the same was for obvious considerations.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant pre-arrest bail to the petitioner.

8. Accordingly, the application stands dismissed.

9. However, if the petitioner surrenders before the Court below and prays for bail within four weeks from today, the same shall be considered on its own merits, in accordance with law, without being prejudiced by the present order.

**(Ahsanuddin Amanullah, J)**

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