

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30379 of 2019

Arising Out of PS. Case No.-207 Year-2012 Thana- GAIGHAT District- Muzaffarpur

Praveer Jha, male, aged about 49 years, Son of Late Bindeshwar Jha, Resident
of Village - Subash Kesho, P.S. - Gaighat, Dist. - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Neeraj Kumar @ Sanidh, Adv.

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

4 29-09-2021 Heard Mr. Neeraj Kumar @ Sanidh, the learned

Advocate for the petitioner and Mr. Ram Priya Sharan Singh,

the learned APP for the State.

The petitioner seeks bail in anticipation of his
arrest in connection with Gaighat P.S. Case No. 207 of
2012, dated 05.10.2012, instituted for the offences under
Sections 467, 468, 409 and 420/34 of the Indian Penal
Code.



The petitioner had approached this Court for grant of anticipatory bail earlier *vide* Cr. Misc. No. 33236 of 2018. The aforesaid application was rejected on 03.07.2018 by this Court, holding that the Court below had rejected his prayer for grant of anticipatory bail way-back on 26.08.2013. However, considering the reason for not approaching this Court on time, the petitioner was granted the liberty to approach the Court below again to seek anticipatory bail, but that was subject to the caveat that he shall bring to the notice of the Court below all the changes which would have taken place in the meanwhile. By the aforesaid order, the Court below was directed to pass a fresh order on such application in accordance with law.

Pursuant to the aforesaid direction referred to above, the petitioner had preferred a fresh anticipatory bail application before the Court below, but the same was rejected *vide* order dated 25.03.2019.

This Court had called for the case diary *vide* order dated 14.08.2019. The case diary has since been received.

The accusation in the F.I.R. is that because of the



complicity of the Panchayat Secretary, a wrong person was made the beneficiary of Indira Awas Yojna. Though many persons have been named in the F.I.R., but the petitioner initially was not arraigned as an accused person in this case. During the course of investigation, the local Mukhiya is said to have made a vague statement that the person who received Rs. 30,000/- under the Indira Awas Yojna was not the genuine person and such payment was made because the petitioner as a villager, kept the Panchayat Secretary in dark. In what capacity was the petitioner helping the Panchayat Secretary has neither been stated by the Mukhiya nor could be discerned during the course of investigation. Thus, for all practical purposes, the accusation against the petitioner is based on a vague and one stray statement made by the local Mukhiya that it was the petitioner who furnished wrong information.

Regard being had to such vague nature of accusation and the explanation offered by the petitioner for not having approached this Court on time, the petitioner above-named, in the event of his arrest or surrender before



the learned Court below within a period of eight weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Judge-16th-Cum-A.C.J.M., Muzaffarpur in connection with Gaighat P.S. Case No. 207 of 2012, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

However, if the investigation is still pending, the petitioner shall participate in such investigation and any attempt of the petitioner in avoiding the investigative process, would render his bail liable to be cancelled. The same would be the situation if the investigation is completed and the petitioner is put to trial and he does not participate in the trial proceedings.

The application stands disposed off accordingly.

(Ashutosh Kumar, J)

Praveen-II/-

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