

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34223 of 2020

Arising Out of PS. Case No.-46 Year-2018 Thana- NAUBATPUR District- Patna

Kaushal Kaushik, Male, aged about 58 years, Son of Late Jagdish Prasad,
Resident of Village Nisarpura, P.O. Amarpura, P.S. Naubatpur, District Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Shashi Bhushan Kumar Manglam, Advocate
For the State	:	Mr. Vinod Kumar, APP
For the Intervenor	:	Mr. P.K. Shahi, Senior Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 21-01-2021 Heard Mr. S.B.K. Manglam, the learned counsel for the petitioner, Kaushal Kaushik, Mr. Vinod Kumar, the learned Additional P.P. and Mr. P.K. Shahi, the learned Senior Counsel appearing on behalf of the Intervenor.

The petitioner seeks bail in Naubatpur P.S. Case No.46 of 2018, registered under Sections 420, 406, 409, 467, 468, 471 and 120(B) of the Indian Penal Code.

The prayer for bail of the petitioner was earlier twice rejected by this Court vide order dated 24.04.2019, passed in Cr. Misc. No.10868 of 2019 and vide order dated 27.05.2020, passed in Cr. Misc. No.78166 of 2019.

The Executive Officer, Naubatpur Nagar Panchayat lodged the case in view of the objection raised by the Estimate



Committee of the Bihar Legislative Assembly on the basis of enquiry conducted by Sub-Divisional Officer, Danapur. During the course of enquiry, it was found that certain illegalities were committed by the Chairman-petitioner. It is pointed out in the enquiry report that there was irregularity and illegality in the selection of N.G.O.

Mr. S.B.K. Manglam, the learned counsel for the petitioner submits that there is no specific allegation against the petitioner that the petitioner misappropriated any money. The petitioner never paid any money to any persons nor he put signature on any cheque. The petitioner being the Chairman of the Nagar Parishad took the policy decision and there were several members in the Committee. Anita Bharti, Executive Officer, has already been granted bail by the learned Additional Sessions Judge 7th, Danapur, in ABP No.3355 of 2018. Co-accused Sanjeev Kumar has also been granted bail by this Court vide order dated 07.01.2019, passed in Cr. Misc. No.57227 of 2018. Saryu Babu, who was selected as N.G.O., was also granted anticipatory bail vide order dated 19.06.2020, passed in Cr. Misc. No.5227 of 2020. The petitioner is in custody since 16.01.2019. Second time, the prayer for bail of the petitioner was rejected on 27.05.2020, passed in Cr. Misc. No.78166 of



2019 with a direction to the trial court to expedite the trial and conclude the same within 3½ months. The Senior Superintendent of Police, Patna and A.S.P., Danapur were directed to ensure the attendance of the witnesses before the trial court but the fact remains that the trial has not yet begun. Even charges have not been framed against any of the accused persons.

The Senior Superintendent of Police, Patna and A.S.P., Danapur are present in Court.

Mr. Vinod Kumar, the learned Additional P.P. submits that on account of COVID-19 lock down, no physical court was held and, therefore, no substantial progress was made in the trial.

Taking into consideration the facts aforesaid and the fact that the petitioner is in jail for last more than two years and all other accused persons have been granted anticipatory bail, petitioner, namely, Kaushal Kaushik is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-II, Danapur, Patna in connection with Naubatpur P.S. Case No.46 of 2018.

Before parting with the order, the Senior



Superintendent of Police, Patna is directed to look into the matter, ensure the speedy disposal of case within six months from the date of receipt of this order.

Personal appearance of the Senior Superintendent of Police, Patna and A.S.P., Danapur is dispensed with.

(Prabhat Kumar Jha, J)

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