

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34485 of 2020

Arising Out of PS. Case No.-31 Year-2020 Thana- CHOUTARWA District- West Champaran

1. Nandkishore Chaudhari (Male), aged about 51 years, son of Suryabali Chaudhari,
 2. Shyambihari Chaudhari (Male), aged about 49 years, son of Styanarayan Chaudhari.
- Both are resident of village- Mehadi, P.S.- Chautarava, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Usha Kumari, Advocate
For the State : Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 27-07-2021

The matter has been heard *via* video conferencing.

2. Heard Ms. Usha Kumari, learned counsel for the petitioners and Mr. Suresh Prasad Singh, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioners apprehend arrest in connection with Chautarava PS Case No. 31 of 2020 dated 28.01.2020, instituted under Sections 406, 420/34 of the Indian Penal Code.

4. The allegation against the petitioners is that in spite of disbursement of heavy amount, the work which was to be completed by the *Ward Kriyanvayanan and Prabandh Samiti* of Wards No. 11, 13 and 14 in the district of West Champaran, had not been completed by the petitioners, who are the Chairman



and the Secretary of the said *Samiti*, respectively.

5. Learned counsel for the petitioners submitted that the work has been completed and, now, the allegation does not subsist. Learned counsel submitted that they have no criminal antecedent.

6. In view of the aforesaid, the Court, by order dated 25.06.2021, had asked learned APP to obtain a report from the District Magistrate and Superintendent of Police, West Champaran, with regard to whether the entire work for which money was spent by the petitioners has been completed as per the specifications and whether the same are in proper working condition.

7. In terms thereof, learned APP submitted that a counter affidavit has been filed on behalf of the District Magistrate and Superintendent of Police, West Champaran which has been affirmed by the Block Development Officer, Bagaha-1, in which it has been stated that upon enquiry it has been found that the works in question have been completed on the ground and the beneficiaries are getting drinking water regularly at their doors.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in



the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, 1st, Bagaha, West Champaran, in Chautarava PS Case No. 31 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further (i) that one of the bailors shall be a close relative of the petitioners, (ii) that the petitioners shall cooperate with the Court and the police/prosecution. Failure to cooperate shall lead to cancellation of their bail bonds.

9. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioners, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioner/s.

10. The petition stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

J. Alam/-

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