

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4317 of 2021

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

1. NAZIR ANSARI @ NAJIR ANSARI S/o Sher Mohammad Ansari @ Sher Mohammad Miyan RESIDENT OF WARD NO. 08, DHANWATIYA PIPRA TOLA, GOBARAHIYA, P.O.- PIPRA NAURANGIYA, P.S.- JOGAPATTI, WEST CHAMPARAN, BIHAR.
2. Ambika Ram S/o Bhimal Ram RESIDENT OF WARD NO. 08, DHANWATIYA PIPRA TOLA, GOBARAHIYA, P.O.- PIPRA NAURANGIYA, P.S.- JOGAPATTI, WEST CHAMPARAN, BIHAR.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Avinash Shekhar

For the Opposite Party/s : Mr.Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 17-06-2021 This matter is taken up for consideration through Video Conferencing under the orders of Hon'ble the Chief Justice.

Heard both parties.

The petitioners seek bail in Jogapatti P.S. Case No. 31 of 2020, registered for the offence punishable under Sections 406, 420 and 34 of the Indian Penal Code.

On the direction of District Magistrate, FIR has been lodged against these petitioners for defalcation of government money and for non-execution of Chief Minister Gramin Payjal Yojana in ward no. 8. Petitioner no. 1 is Ward member and Ex-



officio Chairman of the Management Committee for execution of scheme and petitioner no. 2 is Secretary.

It is submitted on behalf of the petitioners that petitioners have falsely been implicated in this case. The Ward Implementation and Management Committee was tasked with execution of Payjal Yojna in ward no. 8 in Gram Panchayat Pipra Naurangiya under Project NO. 2/2017-2018. The estimated cost of the project was Rs. 12,40, 460/- and under the project water connection was required to given in 201 houses, a water tank was required to be constructed and boring was also required to be done. The petitioners executed the project, boring was also done and overhead tank was also constructed and the water connection was given in 187 households except 15 households on account of objection created by other co-villagers regarding passage of water pipe line from their land. It is further stated that as per measurement book, measurement was done on 06.01.2021 and work of Rs. 9,41,647/- was found to be done. Chargesheet has already been submitted. Petitioners are in custody since 08.06.2020 having clean antecedent, as stated in para 3 of the petition.

Considering the facts and circumstances of the case, the petitioners above-named, are directed to be enlarged on bail



on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Bettiah, West Champaran in connection with Jogapatti P.S. Case No. 31 of 2020, subject to following conditions:-

(i) The petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, their bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Prabhat Kumar Singh, J)

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