

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5936 of 2021

Arising Out of PS. Case No.-503 Year-2020 Thana- SASARAM NAGAR District- Rohtas

MAHANTH PANDEY Son of Late Shree Kishun Pandey Resident of
Village/Mohalla-Parishad Colony, Near Old Bus Stand, Sasaram (T), District-
Rohtas

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamal Nayan Choubey, Sr. Advocate
Mr. Ambuj Nayan Chaubey
For the Opposite Party/s : Mr.A.J.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 22-09-2021 Heard learned counsel for the petitioner and learned
APP for the State through virtual mode.

The present matter is being taken up out of turn on the
mentioning slip filed on behalf of the petitioner stating therein
that the petitioner happens to be a government servant and he is
on the verge of retirement. Let the mentioning slip filed on
behalf of the petitioner be kept on record.

Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the Office, within a period
of four weeks after restoration of normalcy.

The petitioner is apprehending his arrest in a case
registered under Section 419, 420, 409, 467, 468, 471 and 34 of
the Indian Penal Code.



The prosecution allegation, in short, is the accused persons, without completion of work, fraudulently withdrawn a sum of Rs. 7,23,824/- meant for government scheme for filling earth work and PCC road.

It has been submitted on behalf of the petitioner that there is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has been made accused due to mistake of fact. The petitioner happens to be a Junior Engineer in the Road Construction Department, State of Bihar. He along with other persons of the Department has been made accused in the present case. The allegation is that an amount of Rs. 7,23,824/- has been misappropriated by the accused persons including the petitioner. The allegation as levelled in the F.I.R. is denied by the petitioner. It has been submitted that the petitioner has been implicated in the present case for oblique reasons. It is further submitted that the petitioner is ready to deposit a sum of Rs. 3,00,000/- (three lakhs) in the court below which shall be subject to the final disposal of the case.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances,
on deposit of a sum of Rs. 3,00,000/- (three lakhs) in the



Court below within a period of eight weeks from today
which shall be subject to final disposal of the case, let the petitioner, above named, in the event of arrest/surrender before the learned court below be released on anticipatory bail on his personal bond to the satisfaction of learned Chief Judicial Magistrate, Rohtas at Sasaram in connection with Sasaram (T) P.S. Case No. 503/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the Court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

Pankaj/-

U		T	
---	--	---	--

