

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6395 of 2021

Arising Out of PS. Case No.-411 Year-2020 Thana- GHOSI District- Jehanabad

Shyam Nandan Sharma, Male, aged about 65 years, Son Of Late Kamla Prasad Singh, Resident Of Village-Okari,P.S-Ghoshi,District-Jehanabad.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner : Mrs. Vaishnavi Singh, Advocate.

For the Opposite Party : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 22-07-2021 Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

Heard learned counsel for the petitioner and learned A.P.P. for the State through Virtual mode.

The petitioner is apprehending his arrest in a case for the offence registered under Sections 406, 409 and 420 of the I.P.C.

The prosecution story, in brief, is that the D.P.R.O., Jehanabad, vide Memo No. 1164 dated 14.09.2020, had ordered that in the Gram Panchayat of Bishnupur Okri, Gram Chandria, a Community Center (Samudayk Bhawan) was to be constructed as laid down vide Plan No. 03/2011-12 and in pursuance of which, the Circle Officer had granted permission



to build the aforementioned Community Center in Mauza-Chandharia on the land bearing Khata No. 343, Khesra No. 866, measuring an area about 0.33 Decimal and the aforesaid permission was granted to one Ravindra Sharma and the same has been constructed on his personal Raiyati land and it has been further alleged that the money, so allotted for construction of the Community Center, has been misused by the Mukhiya (petitioner) and the amount so made available for construction of the Community Center has been completely wasted.

It has been submitted by learned counsel for the petitioner that the petitioner has been made accused in the present case due to mistake of fact. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner happens to be the Mukhiya of the concerned Panchayat. The case has been instituted after eight years of alleged occurrence. The allegation as levelled in the F.I.R. is denied by the petitioner. It is further submitted that the petitioner is ready to deposit an amount of Rs. 1,50,000/- (Rupees One Lac Fifty Thousand) only in the learned court below which shall be subject to final result of the case.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.



Considering the aforesaid facts and circumstances of the case, the petitioner is directed to deposit an amount of Rs. 1,50,000/- (Rupees One Lac Fifty Thousand) only in the learned court below which shall be subject to final result of the case. On doing so, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of the learned C.J.M., Jehanabad, in connection with Ghoshi P.S.Case No. 411/2020, 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) only 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)

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