

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.11325 of 2021**

Arising Out of PS. Case No.-502 Year-2019 Thana- ATRI District- Gaya

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Nipesh Kumar Kesari @ Bipesh Kumar Kesari @ Subodh Singh son of  
Dinesh Singh @ Dinesh Prasad Singh, resident of village-Arai, PS-Atri,  
District-Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Malay Kumar Choudhary, Advocate  
For the Opposite Party/s : Mr. Rana Randhir Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

2      08-07-2021                      In view of sudden resurgence of COVID–19 infection  
  
there is limited functioning of the High Court and therefore the  
  
matter has been listed for consideration through virtual mode.

Heard learned counsel for the petitioner and the  
learned APP for the State.

This Court would expect that the petitioner’s Counsel  
would honour his undertaking in the instant proceedings  
regarding supply of requisite court fee etc. within two weeks  
from the date he is called upon to do so by the office.

Petitioner seeks bail in Atri P.S. Case No. 502 of 2019  
registered for offence punishable under sections 467, 468, 419,  
420 of the Indian Penal Code.

There is an allegation that being a PACS Chairman



the petitioner has used old bricks in construction of a building and thereby there is an allegation of misappropriation of public money.

Learned counsel for the petitioner submits that the PACS Chairman does not undertake construction. The construction is undertaken by an Agency and duly certified by the Engineers and therefore, the petitioner cannot be singled out for being subjected to any criminal liability in this respect. The prosecution is otherwise motivated and the petitioner is on bail in the earlier two cases pending against him. It is further submitted that from the order of the Additional Sessions Judge, Gaya rejecting the petitioner's prayer for bail, it is apparent that the report which was submitted and which has been relied upon was vague and incomplete. The petitioner under such circumstances is stated to be in custody since 15.10.2020.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 13<sup>th</sup> Additional Chief Judicial Magistrate-cum-Sub Judge-XIV,



Gaya in Atri P.S. Case No. 502 of 2019, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

**(Madhuresh Prasad, J)**

Mahesh/-

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