

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17294 of 2022

Arising Out of PS. Case No.-469 Year-2021 Thana- RAXAUL District- East Champaran

1. CHANDRA SHEKHAR KUMAR SON OF LATE VISHWANATH KUNWAR R/O MOHALLA- BARA PREUWA, WARD NO.-1, P.S.- RAXAUL, DISTRICT- EAST CHAMPARAN
2. MRITUNJAY MRINAL SON OF LATE NAGENDRA SHARMA R/O MOHALLA- SHIVPURI COLONY, WARD NO.-22, P.S.- RAXAUL, DISTRICT- EAST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Sanjay Singh, Sr. advocate
For the Opposite Party/s :	Mr.Uday Chand Prasad
	Mr. Dhanendra Choubey

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 29-11-2022 Heard learned counsel for the parties.

Petitioners apprehend their arrest in a case registered for the offence punishable under Section 406/ 409/ 34of the Indian Penal Code.

As per the prosecution case, pursuant to order of the District Magistrate, East Champaran, Motihari dated 25.11.2021 present FIR was registered against all the named accused persons, including these petitioners, that they committed irregularity in purchasing the land for slaughter house and caused huge loss to the Government exchequer.

Learned counsel appearing for the petitioners submits



that petitioners are innocent and have falsely been implicated in the case. It is submitted that petitioner no.1 is the Head clerk -cum- Accountant of Nagar Parishad whereas petitioner No.2 is Upper Division Clerk. It is further submitted that it was the collective decision of the empowered Standing Committee to purchase the land for slaughter house. The Chairman and Executive Officer thereafter initiated a process for calling for bids and selection of land for the said purpose. Petitioners as class-III employee were never associated with the decision making process for the purchase of land or associated with any other process in this regard, that is, tender process, the execution agreement or transfer of money to the vendors whose land had been selected for such purchase. It is also submitted that petitioners were not entrusted with any property or had any dominion over the property of the Nagar Parishad as public servant and as such no case u/s 406 or 409 of the IPC is made out against them.

Learned counsel appearing for the State and the informant opposed the prayer for anticipatory bail.

Considering the facts of the case and nature of accusation against the petitioners, let the petitioners, above named, in the event of their arrest/ surrender within a period of



six weeks from today shall be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sub divisional Judicial Magistrate, Raxaul, East Champaran in connection with Raxaul PS case No. 469/ 2021, subject to conditions laid down u/s 438(2) of the Cr. P. C.

(Prabhat Kumar Singh, J)

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