

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19425 of 2022

Arising Out of PS. Case No.-64 Year-2021 Thana- JAIPUR District- Banka

Dr. Rishikesh Prasad S/o Mohit Lal Pandit Resident of Village- Limia, P.S.-
Belhar, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate
For the Opposite Party/s : Mr. Parmeshwar Mehta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
CAV ORDER

8 13-12-2022 Heard Mr. Yogesh Chandra Verma learned senior
counsel appearing on behalf of the petitioner and Mr.
Parmeshwar Mehta learned A.P.P. for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

The petitioner is apprehending his arrest in a case
registered for the offences punishable under Sections 420, 467,
468, 471, 409 and 120(B) of the Indian Penal Code.

According to the prosecution case, there was huge
misappropriation of the money in relation to the 13 MNREGA
schemes detailed in the F.I.R. In most of the schemes, the
amount was withdrawn on the basis of fake measurement and in
four schemes the money was withdrawn and the work has not



even been started.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that the petitioner is proprietor of Shiva Enterprises. He further submits that the petitioner has no role at all in the misappropriation of the forged measurement of the work in question. The junior engineer got measurement about total amount of Rs, 1,26,77,891/-. He further submits that the total amount withdrawn against 13 schemes was Rs. 78,72,412/- but the actual work done was Rs. 31,71,150/- the differences of the actual work and total amount of measurement book was Rs. 95,06,741/-. The petitioner has no role at all in the aforesaid transaction. He further submits that Ramesh Kumar Azad the then Junior Engineer, MNREGA did measure the work in question and pursuant to the report of the Junior Engineer the payment has been made and the petitioner has no role at all in the aforesaid transaction of illegal money in favour of the beneficiary. He further submits that co-accused, namely, Sanjay Kumar Thakur has been granted bail by the Co-ordinate Bench vide order dated 23.08.2022 passed in Cr. Misc. No. 5723 of 2022.

The learned counsel for the State has vehemently



opposed the prayer for bail of the petitioner on the ground that the petitioner carries one more case other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Jaipur P.S. Case No. 64 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

1. Petitioner 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall



verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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