

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38552 of 2021

Arising Out of PS. Case No.-3 Year-2021 Thana- TARIYANI CHAPRA PS District- Sheohar

Krishna Nandan Paswan Son of Late Sohag Paswan Resident of Village-
Ganga Dharampur, P.S.- Tariyani Chhapra, District- Sheohar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur, Advocate

For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 20-06-2022 Let the defects, if any, be removed within four
weeks from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in
connection with Tariyani Chhapra P.S.Case No. 03 of
2021 for the offences punishable under Sections 420, 406,
409/34 of the Indian Penal Code.

In sum and substance from perusal of the FIR, it
appears that there is allegation with regard to
misappropriation of government funds in execution of Nal
Jal Yojna by the Panchayat Chairman and Ward Secretary of
ward no. 7



It is submitted by the learned counsel for the petitioner that petitioner is ward Secretary of , Kumhrar Ward No.-7 and he has been implicated in this case without any material, though from the report submitted by the Block Development Officer, Tariyani, letter no. 946 dated 09.06.2021, it appears that there was work in two parts out of which part-A was of Rs. 9,96,800/- in which work to the tune of Rs. 9,88,019/- has been entered in the measurement book and part -B was of Rs. 9,65,000/- in which work to the tune of Rs. 9,53,566/- has been entered in the said book and as such there is no misappropriation much less by the petitioner. It is further submitted that the Chairman of the Ward no. 7 namely, Sita Devi has already been granted anticipatory bail by a co-ordinate Bench of this Court in Cr. Misc. No. 24451 of 2021 vide order dated 08.10.2021 and so far as this petitioner is concerned, he is in custody for more than a year.

On the other hand learned counsel for the petitioner opposes the prayer for bail of the petitioner and submits that during the course of investigation, it has come that irregularity have been found in the government scheme



and beneficiaries were deprived from the benefits of the scheme.

Having heard the rival contentions of the parties and taking into consideration the fact that the letter of the Block Development Officer, Tariyari, which has been brought on record by way of Annexure-2, suggests that the work has been done against the funds allotted in the Ward, and the Chairman of the concerned Ward, namely, Sita Devi has already been granted anticipatory bail by a Co-ordinate Bench of this Hon'ble Court and this petitioner is in custody since 21.04.2021, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st class, Sheohar in connection with Tariyani Chhapra P.S. Case No. 03 of 2021 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date



of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J).

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