

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30067 of 2022

Arising Out of PS. Case No.-329 Year-2021 Thana- GORaul District- Vaishali

1. Chandeshwar Ram Son Of Late Bharat Ram R/O Village- Karhatiya Buzurg, P.S.- Goraul (Kathara O.P.), District- Vaishali
2. Rina Devi Wife Of Ashok Ram R/O Village- Karhatiya Buzurg, P.S.- Goraul (Kathara O.P.), District- Vaishali

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Anand, Advocate

For the Opposite Party/s : Mr. Pronoti Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 23-08-2022 The learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

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

Petitioners seek regular bail in connection with Goraul (Kathara O.P.) P.S. Case No. 329 of 2021 registered for the offences under Sections 409/420/34 of the Indian Penal Code.

As per allegation, an amount of Rs.23,15,500/- was sanctioned for execution of the work under “Nal-Jal Yojana” of the Chief Minister’s Saat Nischay Yojana of the State Government in Ward No.-14 of Gram Panchayat Raj Karhatiya Buzurg, which was to be executed by the chairman of the said



ward who is the Petitioner No.1 but the said work has not been completed despite passing of 30 months. It is further alleged that similarly, an amount of Rs.14 lakh was sanctioned for work of drainage system in Ward No.4 Gram Panchayat Raj Basti Sarsikan and despite passing of 20 months the work is incomplete till now and the said amount has been misappropriated by the chairman and Secretary of Ward No.4.

The main submissions advanced by learned counsel Mr. Chandra Shekhar Anand for the petitioners are that the alleged construction work was not completed due to disturbance created by the informant and some other persons for which Petitioner No.1 filed a petition before the Chairman of SC/ST Commission and District vigilance cell vide annexure 2 and thereafter the petitioners were assaulted and abused by the informant and other persons in respect of which the petitioners filed an application before the P.S. concerned vide annexure 3 and the present case is a counter blast of said P.S. case which was lodged by Petitioner No.1 and the allegation regarding misappropriation of the alleged amount made in the FIR is completely false, in fact now the alleged work has been completed and in support of this fact the informant himself has issued a certificate as annexure 4 which also goes to show that



the balance amount has been deposited by the petitioners. Further submission is that both the petitioners have no criminal antecedent and languishing in jail since 17.10.2021 without any fault on their part and both petitioners have been chargesheeted.

Learned APP Mr. Pronoti Singh appearing for the State has opposed the bail prayer.

In view of above submissions and mainly considering the annexure 4 purported to have been issued by informant himself which goes to show that the alleged construction work has been completed and the remaining balance amount relating to the construction which was withdrawn by the petitioners, has been deposited and also considering petitioners' custody period in the opinion of this Court a lenient approach can be taken in respect of petitioners' prayer, let the petitioners 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 concerned Court in connection with Goraul (Kathara O.P.) P.S. Case No. 329 of 2021.

(Shailendra Singh, J.)

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