

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66961 of 2021**

Arising Out of PS. Case No.-78 Year-2021 Thana- GURARU District- Gaya

SHREE RAM SINGH S/o Late Shyamal Prasad Singh Resident of Village-
Ander Bazar, P.S.- Goh, District- Aurangabad at the then Junior Engineer
MANREGA, Guraru, Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 29451 of 2022

Arising Out of PS. Case No.-78 Year-2021 Thana- GURARU District- Gaya

SUNIL KUMAR UPADHYAY @ SUNIL KUMAR UPADHAYA SON OF
BIRENDRA UPADHYAY R/O VILLAGE- MAHUAT, P.S.- SONHAN,
DISTRICT- KAIMUR (BHABUA)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 66961 of 2021)

For the Petitioner/s : Mr.Vinod Kumar, Advocate

For the Opposite Party/s : Mr.Parmeshwar Mehta, APP

(In CRIMINAL MISCELLANEOUS No. 29451 of 2022)

For the Petitioner/s : Mr.Arun Kumar Singh, Advocate

For the Opposite Party/s : Mr.Parmeshwar Mehta, APP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 20-07-2022 **CRIMINAL MISCELLANEOUS No.66961 of 2021**

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 406, 420,
467 and 468 of the Indian Penal Code.

Learned counsel for the petitioner submits that the



petitioner is a person with clean antecedent and the informant alleges that work under MANREGA Scheme was completed in Baroh Panchayat in Guraru Block through J.C.B. machine in violation of MANREGA Scheme, accordingly District Magistrate had directed for lodging an FIR against the accused persons, including the petitioner, who were responsible for execution and implementation of MANREGA Scheme.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case without holding any proper inquiry and the petitioner was not given any opportunity to explain his case, it is next submitted that petitioner is a Junior Engineer, it is also submitted that even the inquiry report does not conclusively hold that the work was done by a J.C.B. machine, and it is not the case of the prosecution that no work was done. It is next submitted that co-accused Md. Zafar Kaifi Ansari has been granted bail vide order dated 11.07.2022 in Cr. Misc. No. 57322 of 2021.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on



anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Guraru P.S. Case No. 78 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

CRIMINAL MISCELLANEOUS No. 29451 of 2022

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 406, 420, 467 and 468 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that work under MANREGA Scheme was completed in Baroh Panchayat in Guraru Block through J.C.B. machine in violation of MANREGA Scheme, accordingly District Magistrate had directed for lodging an FIR against the accused persons, including the petitioner, who were responsible for execution and implementation of MANREGA Scheme.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case without holding any proper inquiry and the petitioner was not given any



opportunity to explain his case, it is next submitted that petitioner is a Panchayat Technical Assistant and his duty was to measure the work which was being done. It is also submitted that even the inquiry report does not conclusively hold that the work was done by a J.C.B. machine, and it is not the case of the prosecution that no work was done. It is next submitted that co-accused Md. Zafar Kaifi Ansari has been granted bail vide order dated 11.07.2022 in Cr. Misc. No. 57322 of 2021.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Guraru P.S. Case No. 78 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

Shivam/-

U		T	
---	--	---	--

