

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45056 of 2021

Arising Out of PS. Case No.-168 Year-2019 Thana- BAHADURPUR District- Darbhanga

1. Raj Kumari Devi @ Ram Kumari Devi W/o Ganesh Paswan R/o village-Basatpur, P.S.- Bahadurpur, District- Darbhanga
2. Anil Kumar @ Anil Kumar Paswan S/o Ram Jatan Paswan R/o village-Basatpur, P.S.- Bahadurpur, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Hriday Prasad, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 13-06-2022 Heard Mr. Ram Hriday Prasad, learned counsel for the petitioners and Mr. Ashok Kumar Singh, learned Additional Public Prosecutor for the State.

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

The petitioners apprehend their arrest in connection with Bahadurpur (Pator O.P.) P. S. Case No. 168 of 2019 registered for the offences punishable under Sections 420 and 409 of the Indian Penal Code.

As per the prosecution case, it is alleged that all the F.I.R. named accused persons in collusion with other persons



misappropriated the Government fund by purchasing sub-standard materials for the purposes of Nal Jal Yojna project of the Government. It is also alleged that they made payments to the supplier in advance without a proper voucher and the quality of the materials supplied was not verified by the Junior Engineer prior to its use. It is also alleged that a huge amount is said to have been paid to the dealer in advance in connection with materials supplied for the project.

At the outset, learned counsel for the petitioners submits at the bar, on the instruction of his client, that as per his information till date the process under Sections 82/83 of the Cr.P.C. have not been issued.

Learned counsel appearing on behalf of the petitioners submits that the petitioner no. 1 is a Chairperson of the Ward Kriyanvayan and Prabandh Samittee of Ward No. 6 and petitioner no. 2 is a Secretary of the said Committee and, in fact, this F.I.R. has been instituted on misconception of temporary financial irregularities. Later on, the informant himself has filed a representation before the concerned Police Station stating therein that no such financial irregularities have been committed in the project in question. In support of the aforesaid contention, learned counsel for the petitioners brought on record an



application/ representation filed by the informant vide annexure 2 to the supplementary affidavit. It is also submitted that during the course of the investigation none of the individual has come and supported the prosecution case of alleged irregularities. It is next submitted that even the Block Development Officer, Bahadurpur, vide his letter no. 1048 dated 18.09.2021, wrote to the officer in-charge (Pator O.P.), Bahadurpur that the project of Nal Jal Yojna has already been completed and the verification of the same has been done. A copy of the said letter has been taken on record.

On the other hand, learned Additional Public Prosecutor for the State opposes the bail application.

Having considered the submissions made on behalf of the parties and taking into account the fact that subsequent to the institution of the F.I.R., the informant himself filed a representation stating therein that, in fact, no such irregularity has been found in the project in question, and this fact has also been corroborated by the letter issued by the Block Development Officer, Bahadurpur, apart from the fact that the petitioners have clean antecedent, let the petitioners, above named, be released on bail, in the event of their arrest or surrender before the Court below within a period of eight weeks



from today, on furnishing bail bonds of Rs. 20,000/ (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate- 1st Class, Darbhanga in connection with Bahadurpur (Pator O.P.) P. S. Case No. 168 of 2019, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure with following conditions:-

- (i) One of the bailors should be the close relative of the petitioners.
- (ii) The petitioners will co-operate in the investigation as well as in conclusion of the trial.
- (iii) They will not try to tamper with the evidence or intimidate the witnesses in course of investigation or during the course of trial.

(Harish Kumar, J)

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