

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40089 of 2020

Arising Out of PS. Case No.-4 Year-2018 Thana- PAROO District- Muzaffarpur

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KAILASH RAI Son of Sukhi Rai Resident of Village- Bhusahi, P.S.-
Bochahan, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Umanath Mishra, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 10-01-2022 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State through the virtual

court proceeding.

Learned counsel for the petitioner undertakes to
remove the defects within three weeks. In the eventuality of
non-removal of defects within undertaken period, the office will
place the matter before the Bench.

The petitioner is apprehending his arrest in a case
registered for the offence punishable under Sections 409, 420,
34 of the Indian Penal Code.

It is submitted by learned counsel for the
petitioner that petitioner is innocent and has been falsely
implicated in this case. He submits that petitioner has retired in
the year 2016 and present FIR has been lodged in the year 2018.
He submits that large number of witnesses and beneficiary have



accepted that work was done satisfactorily and there was no misappropriation by the petitioner or Ex Mukhiya. The DTO, Muzaffarpur had not taken help of any technical expert at the time of inspection and the supervising authority has found innocent to the junior engineer and he has said that after measurement of work only truth will come out whether any wrong has been committed by the petitioner or Ex-Mukhiya. He submits that there is general and omnibus allegation levelled against the petitioner. He further submits that petitioner has no criminal antecedent as stated in para-3 of this application.

Learned APP for the State opposed the prayer for bail.

Considering the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. Accordingly, his prayer for anticipatory bail is rejected in connection with Paroo P.S. Case No. 04 of 2018.

However, if the petitioner surrenders before the learned court below and prays for regular bail, the same shall be considered by the learned court below on the same day without being prejudiced by this order.

devendra/-

(Anjani Kumar Sharan, J)

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