

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56689 of 2021**

Arising Out of PS. Case No.-58 Year-2021 Thana- MOHIUDDIN NAGAR District-
Samastipur

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Ram Babu Ray @ Ram Babu Rai, Son of Late Bittu Ray, Resident of Village
Ramaiya, P.S. Mohiuddin Nagar, District Samastipur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 53916 of 2021

Arising Out of PS. Case No.-58 Year-2021 Thana- MOHIUDDIN NAGAR District-
Samastipur

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Manish Kumar, Son of Rajdeo Rai @ Rajdev Rai, Resident of Village
Ramaiya, P.S. Mohiuddinnagar, District Samastipur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 56689 of 2021)

For the Petitioner/s : Mr. Bijay Bhushan Prasad

For the Opposite Party/s : Mr. Parmeshwar Mehta

(In CRIMINAL MISCELLANEOUS No. 53916 of 2021)

For the Petitioner/s : Mr. Baxi S.R.P. Sinha, Sr. Advocate
Mr.Pankaj Kumar

For the Opposite Party/s : Mr. Shailendra Kumar Singh

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 23-06-2022 Heard learned counsel for the parties.

The petitioners apprehend their arrest in connection
with Mohiuddin Nagar P.S. Case No.58 of 2021, registered for
the offences punishable under Sections 406, 420 and 34 of the
Indian Penal Code.

The prosecution case, in short, is that one Angad
Kumar Rai, the Panchayat Secretary, Gram Panchayat Raj,



Bhadaiya has given written application to the S.H.O., Mohiuddin Nagar P.S. on 20.03.2021 alleging therein that petitioner Ram Babu Rai, who is Ward Member of Ward No.8 and petitioner Manish Kumar, Secretary of the Ward withdrew Rs.23,40,300/- under Mukhyamantri Galai Nali Scheme. It is alleged that the scheme, which have been carried out by the petitioners was enquired by the Deputy Collector Land Reforms and during enquiry some discrepancies have been found. Thereafter under direction of the District Magistrate, the Block Development Officer, Mohiuddin Nagar directed the Panchayat Secretary, the informant, for institution of the FIR.

Mr. Baxi S.R.P. Sinha, learned Senior Counsel submits that the petitioners are innocent and have falsely been implicated in the present case. It is submitted that all the work has been completed and the complaint is filed after two years. No specific allegation is alleged against the petitioners. During enquiry, some discrepancies have been found, therefore, the present FIR is lodged against the petitioners.

Learned APP for the State opposed the prayer for anticipatory bail of the petitioners and submitted that in the impugned order, the learned court below has taken note of the fact that “No sand found while it should have been 3” under



Nala according to estimate. Secondly it should have been 04” thickness while it was found 02” thickness in inquiry as per estimate and thirdly it was found length of Nali was 1558 while it should have 1800 feet and no measurement book is completed of this work and also quality of PCC and RCC work is also not good.” It is further submitted that the petitioners have got criminal antecedents also.

Taking into consideration the aforesaid facts, I am not inclined to enlarge the petitioners on anticipatory bail. Accordingly, the prayer for anticipatory bail of the petitioners is rejected.

However, if petitioners surrender before the learned court below within a period of six weeks from today and seek regular bail, the learned court below shall consider the prayer for regular bail of the petitioners preferably on the same day without being prejudiced by this order taking into consideration the fact that complaint is filed after two years.

(Anjani Kumar Sharan, J.)

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