

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63813 of 2021**

Arising Out of PS. Case No.-321 Year-2020 Thana- KARJA District- Muzaffarpur

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RUPESH KUMAR S/o Shri Yogendra Rai R/o village- Jhakra Sheikh, P.S.-
Karja, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Vaishnavi Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-07-2022 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 420, 409 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the present F.I.R. has been instituted on the direction of District Magistrate, Muzaffarpur as in the enquiry it has come that Rs. 15,80,000/- (90% of the scheme amount) has been withdrawn by the accused persons, including this petitioner, who is Ward Secretary of Ward Implementation and Management Committee and the said Committee is responsible for not completing the work as per standard. Even, if work shown in measurement



book is accepted to be true, then also an amount of Rs. 94,034/- is still left to be returned to the government.

Learned counsel for the petitioner submits that the work has been completed and the petitioner has been falsely implicated in the present case, it is next submitted that estimated cost of scheme was Rs. 18,24,600/-, but the amount which was withdrawn was Rs. 17,50,000/- and the work was done to the tune of Rs. 16,55,966/- which would be evident from the measurement book though there is no proof of utility of Rs. 94,034/-.

Learned counsel for the petitioner submits that co-accused Sakaldeo Mahato who was President of Ward Implementation Committee and Management Committee was arrested and he had undertaken to deposit the said amount of Rs. 94,034/- within a period of two weeks from the date of his release, accordingly he was granted provisional bail by order dated 25.03.2022 in Cr. Misc. No. 60983 of 2021 with a condition that if he is not able to deposit the said amount in the government treasury within two weeks then his provisional bail shall stand cancelled. Learned counsel for the petitioner submits that since Sakaldeo Mahato was the President as such the responsibility for getting the work completed was only his and



the petitioner being Secretary of the Committee came to be implicated along with him. It is next submitted that since Sakaldeo Mahato had undertaken before this Court to return the amount as such no useful purpose would be served by sending the petitioner to jail more so when the work, as aforesaid, has been completed.

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 Karja P.S. Case No. 321 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

The learned court below before accepting the bail bonds of the petitioner shall verify whether Sakaldeo Mahato had returned the amount, as aforesaid, or not and in the event, if the learned court below comes to a conclusion that the said



amount was not returned and the provisional bail of Sakaldeo Mahato was cancelled then the present order shall not be acted upon and in the event, if Sakaldeo Mahato deposited the amount as undertaken by him before this Court, then the bail bonds of the petitioner shall be accepted forthwith.

(Satyavrat Verma, J)

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