

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55269 of 2021

Arising Out of PS. Case No.-19 Year-2018 Thana- RAIYAM District- Darbhanga

MD. RIZWAN @ MD. RIZWAN MUKHIYA Son of Late Md. Ayub Resident
of Village - Babu Salimpur, P.S.- Raiyam, District - Darbhanga

... .. Petitioner/s

Versus

The State of

... .. Opposite Party/s

WITH
CRIMINAL MISCELLANEOUS No. 66785 of 2021

Arising Out of PS. Case No.-19 Year-2018 Thana- RAIYAM District- Darbhanga

INDU BHUSHAN Son of Sant Prasad Sinha Resident of Village/Mohalla-
Mathurapur, P.S.- Warish Nagar, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 55269 of 2021)

For the Petitioner/s : Mr. Udbhav, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

(In CRIMINAL MISCELLANEOUS No. 66785 of 2021)

For the Petitioner/s : Mr. Girish Chandra Jha, Advocate

For the Opposite Party/s : Mr. Dilip Kumar No.1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 14-11-2022 As both these bail applications have cropped up from

the same police station case number, hence, with consent of

parties, they are being heard together and disposed of by this

common order.

Heard learned counsel for the petitioners and learned

A.P.P. for the State.



Learned counsel for the petitioners undertakes to remove the defects, as pointed out by the office, within four weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

Today, Mr. Dilip Kumar No.1, learned APP filed a counter affidavit in both these cases.

Let it be kept on record.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 409, 420, 419, 467, 468, 471, 474, 379, 323 & 504/34 of the Indian Penal Code.

Petitioners in association of other co-accused are said to have misappropriated huge amount of government money which were allocated by the government for construction of PCC road in the Gram Pancyayat Nayagaon East.

It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. At the relevant time, Petitioner-Md. Rizwan alias Md. Rizwan Mukhiya was the Mukhiya of



the said Gram Panchayat, whereas petitioner - Indu Bhushan was posted as Assistant Engineer (Manrega) during the relevant period. Similarly situated co-accused, namely, Vishwanath Prasad Roy has been enlarged on bail by a co-ordinate bench of this court vide order dated 17.05.2022 passed in Cr. Misc. No. 56590 of 2021. Petitioner-Md. Rizwan alias Md. Rizwan Mukhiya has two criminal antecedents, whereas petitioner-Indu Bhushan has no criminal antecedent.

Learned APP for the State vehemently opposing the prayer for bail submitted that petitioners may be directed to deposit Rs.88,159/-.

Having regard to the facts and circumstances of the case the petitioners are agreed to deposit a sum of Rs.88,159/- (Rupees Eighty Eight Thousand One Hundred and Fifty Nine) **each**, in the learned Court below, which shall be subject to final disposal of the case. On doing so, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with



Raiyan P.S. Case No.19 of 2018, subject to the condition as laid
down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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