

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64909 of 2021

Arising Out of PS. Case No.-13 Year-2021 Thana- SURYAPURA District- Rohtas

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LAKSHAMAN SINGH @ LAKSHUMAN SINGH Son of Jamindar Singh
Resident of village - Andhar, P.S.- Surajpura, Distt.- Rohtas, Presently Ward
Sachiv, Ward no.14, of Gram Panchayat, Shivobahar, Block, Surajpura, Distt.-
Rohtas.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 69457 of 2021

Arising Out of PS. Case No.-13 Year-2021 Thana- SURYAPURA District- Rohtas

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RAVI KUMAR Son of Lakshman Singh Kharwar @ Laxman Prasad Resident
of Village- Balihar, Post- Suryapura, P.S.- Suryapura, District- Rohtas.
Permanent Resident of Vill.- Lakhanpandwa, P.S.- Jamui, Dist- Jamui.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 64909 of 2021)

For the Petitioner/s : Mr. Sadanand Roy, Advocate

Mr. Bikram Deo Singh, Advocate

For the State : Mr.Parmeshwar Mehta, APP

(In CRIMINAL MISCELLANEOUS No. 69457 of 2021)

For the Petitioner/s : Mr.Vijay Anand, Advocate

For the State : Mr.Kanhaiya Kishore, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 30-08-2022 Since both the applications arise out of Suryapura P.S.

Case No. 13 of 2021 as such, they have been heard together and
are being disposed of by this common order.

Heard learned counsel for the petitioners and learned
APP for the State.



Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioners seek bail in connection with Suryapura P.S. Case No. 13 of 2021 registered for the alleged offences under Sections 420 and 409 of the Indian Penal Code.

As per prosecution case, the petitioner no. 1 is the Ward Secretary of Ward No. 14 of *Gram Panchayat*, Shivobahar, and petitioner no. 2 is the Ward member of Ward No. 7, Panchayat-Balihar and allegation against them is that they defalcated the money and handed over for construction and completion of the work of *Nal Jal Yojna* and *Gali Nali Yojna*.

Learned counsels for the petitioner submit that the petitioners have falsely implicated in this case. It has been submitted on behalf of the petitioner Lakshaman Singh that this petitioner gave a cheque to the Contractor for the work to be done as per his contract and this Contractor left the work mid way and complaint case has been lodged against this Contractor. When the BDO and Mukhiya came to know about filing of this case against the Contractor, they filed present case with ulterior motive. The petitioner has not defalcated any government money and two cheques were given to the Contractor who connivance with BDO



and Mukhiya withdrew the entire amount but he did not complete the work. The petitioner made complaint to the BDO and Mukhiya but they did not pay any heed to it. Learned counsel further submits that no offence under Sections 420 and 409 is made out against this petitioner. Charge sheet has been submitted in this case and this petitioner is in custody since 28.07.2021.

It is submitted on behalf of the petitioner Ravi Kumar that this petitioner submitted an application before the District Magistrate that the for total 9 schemes for which the work was going on, cost of Rs. 53,36,356/- was to be incurred but payment of only Rs. 21,15, 235/- has been made and for this amount the measurement book has already been submitted showing expenditure and work done. No amount was transferred to the account of the petitioner and none was retained by him so no offence under Section 409 of the Indian Penal Code is made out against this petitioner. Similarly, there is no cheating by the petitioner and hence no offence under Section 420 is made out. Charge sheet has been submitted in this case and this petitioner is in custody since 22.07.2021. Certificate case has also been filed against the petitioners.

Perused the records.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the



period of custody of these petitioners and submission of charge sheet against them, the petitioners above named are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Bikramganj, Rohtas in connection with Suryapura P.S. Case No. 13 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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