

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.8302 of 2023**

Arising Out of PS. Case No.-299 Year-2021 Thana- SHAMBHUGANJ District- Banka

Vivekanand Thakur Son of Late Bimlanand Thakur Resident of Village  
-Jhakhara, Police Station-Shambhuganj, District-Banka.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Ajay Mukherjee

For the Opposite Party/s : Mr.Parmeshwar Mehta

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

3      11-07-2023                      Heard learned counsel for the petitioner and learned  
APP for the State.

Petitioner apprehends his arrest in connection with  
Shambhuganj P.S. Case No.299 of 2021, registered for the  
offences punishable under Sections 406, 420 and 120(B) of the  
Indian Penal Code.

The prosecution case, in brief, is that Panchayat  
Secretary of Gram Panchayat, Jhakhara of block Shambhuganj  
has filed a case regarding defalcation of government money. It is  
alleged that under the Chief Minister Seven Nishchay Yojana,  
the work of Nal Jal Yojna has been done by the Ward  
Implementation Management Committee in Ward No.04 of the  
Panchayat for implementation of the above scheme. After  
physical verification, the work of said scheme was not found as



per the estimate and in the measurement book only Rs.11,82,154/- has been entered and Rs.3,17,846/- has not been entered in the book.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in the present case. The petitioner has got one criminal antecedent as stated in paragraph-3 of the bail petition. It is further submitted that petitioner has completed all the work but the Junior Engineer has not supplied the Measurement Book, therefore, the up-to-date data could be shown before the concerned authorities. It is also submitted that petitioner is ready to return Rs.1,20,000/- to the concerned department.

Learned APP for the State opposed the prayer for grant of anticipatory bail to the petitioner.

Taking into consideration the facts aforesaid, let 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 bail on furnishing bail bond of Rs.25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Banka/court concerned in connection with Shambhuganj P.S. Case No.299 of 2021,



subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

It is made clear that if the petitioner shows before the concerned authorities that all work has been completed and no amount is due to be paid to the concerned department, the petitioner is not required to return the said amount, i.e., Rs.1,20,000/- to the concerned department.

**(Anjani Kumar Sharan, J)**

S.KUMAR/-

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