

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2812 of 2023

Arising Out of PS. Case No.-561 Year-2022 Thana- DHAKA District- East Champaran

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1. PAWAN DEVI Wife of Shri Narayan Sharma Resident of Village- Saratha, P.S.- Dhaka, District- East Champaran. Ward Member of Ward No.-7
 2. ALOK KUMAR Son of Late Bhageshwar Prasad Singh Resident of Village- Saratha, P.S.- Dhaka, District- East Champaran. The Sachiv of Ward No.7
- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh
For the Opposite Party/s : Mr. Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 28-03-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Section 409/34 of the Indian Penal Code pending in the learned court below.

As per the prosecution, after withdrawing the funds the petitioners have not completed the works.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. He further submits that from perusal of FIR it would appear that there is no allegation of embezzlement of any government money has been alleged against the petitioners rather the allegation of not completing the work in question has been alleged for which the petitioners are not responsible at all. He filed a supplementary affidavint in which he mentioned that



the said work will be completed within ten days. He submits that more than 80 % of the work has been completed. He further submits that petitioners have got no criminal antecedent as stated in para-3 of the bail application.

Per contra, learned APP for the State vehemently opposing the bail application and submitted that the allegation levelled as the petitioners is serious in nature. Hence, they do not deserve anticipatory bail.

Considering the nature of the offence, I am not inclined to enlarge the petitioners on bail in connection with Dhaka P.S. Case No. 561 of 2022. Accordingly, their prayer for anticipatory bail is hereby rejected.

However, if the petitioners surrender before the learned Court below within a period of six weeks from today and seek regular bail, the learned Court below would pass the order, preferably, on the same day, without being prejudiced by this order considering the fact that the one of the petitioner is a senior citizen.

Learned Court below shall also consider regular bail of the petitioner after verifying the fact that the petitioner has completed the said work and given certificate in this regard.

(Anjani Kumar Sharan, J)

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