

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5175 of 2023

Arising Out of PS. Case No.-215 Year-2019 Thana- DHAKA District- East Champaran

MUKUL RANJAN Son of Shrikant Sharma @ Srikant Sharma R/V- Saratha
P.S- Dhaka, Dist- East champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Karandeep Kumar, Advocate
	:	Mr. Yogesh Chandra Verma, Sr. Advocate
For the Opposite Party/s	:	Mr. Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 22-02-2023 Let the defect(s), if any, pointed out by the office

be removed within three weeks from the date of this order,

failing which the matter be listed again under the appropriate

heading for necessary action.

Heard learned senior counsel for the petitioner and

the learned APP for the State.

Petitioner seeks regular bail in connection with Dhaka

P.S. Case No.215 of 2019 registered for the offence punishable

under Section 409 of the Indian Penal Code.

As per the prosecution, the informant alleged that this

petitioner misappropriated the amount allotted to him under

Nal-Jal Yojana to fix the supply of water in ward No.6 of Gram

Panchayat Raj Karmawa and the said allotment of money was

paid by two cheques.



The main submissions advanced by the learned senior counsel Mr. Yogesh Chandra Verma for the petitioner are that the petitioner earlier preferred Cr. Misc. No.14336 of 2022 for the relief of Regular Bail which was rejected by this Bench vide Order dated 21.07.2022 and thereafter he has come again before this Court for the same relief mainly on three grounds: firstly, the petitioner's custody period: secondly, no progress has been made in his trial and thirdly, the informant lodged the FIR with false allegation and accordingly he has been made accused by institution of Dhaka P.S. Case No.561 of 2022 which was lodged on 06.09.2022 and not only the informant of the present matter as well as other ward members including ward secretary have also been made accused in the said case and petitioner was made scapegoat in the present matter for the alleged wrong committed by the said ward members and ward secretary etc. and moreover as per the grievance, the petitioner was simply found in the capacity of supplying construction materials in respect of *Nal-Jal* Scheme and the alleged wrong which has been committed by the petitioner mainly attracts a civil wrong on the part of this petitioner and there is no progress in the petitioner's trial and still charges have not been framed upon him and he has been languishing in jail since 02.12.2021 and



against him there are criminal antecedents of four cases in which he is on bail in three cases and the nature of allegation in all the said cases including the present is same and petitioner is a proprietor of a private firm namely M/s Mukul Ranjan and had no concern to the execution of the scheme in question and the said scheme was to be executed by a committee consisting of members of the concerned ward and the alleged wrong as to non-completion of the said work was actually committed by the members of the said committee and not by this petitioner who has been falsely made accused.

Learned APP Mr. Parmeshwar Mehta appearing for the State has opposed the bail prayer.

In view of the facts, stated above, and mainly considering the petitioner's custody period and also the fact that the informant who lodged the present case has been made accused by the Panchayat Secretary of concerned Panchayat in connection with non-completion of the alleged construction work under the *Nal-Jal* Scheme and also considering the stage of the petitioner's case which appears to be at the initial stage, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand)



with two sureties of the like amount each to the satisfaction of
the concerned Court in connection with Dhaka P.S. Case
No.215 of 2019.

(Shailendra Singh, J)

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