

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4741 of 2023

Arising Out of PS. Case No.-249 Year-2021 Thana- COMPLAINT CASE District- Lakhisarai

1. SURENDRA PRASAD S/O VIDYA SAGAR R/o- Brahmasthan Gali, Bakarganj, Daldali Road, Patna, Sampatchak, Patna, P.O. and P.S.- Sampatchak, District- Patna At present Block Development Officer, Ramgarh Chowk, District- Lakhisarai
2. RAJESH KUMAR SOREN S/O TANESHWAR SOREN R/v- Dangra, P.O.- Khapra, P.S.- Sangrampur Khapra, Khabra, District- Munger, At present Technical Assistant, Panchayat Office, Bhambhariya Panchayat, Block- Ramgarh Chowk, District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhash

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 16-05-2023 Heard learned Counsel for the petitioners and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Complaint Case No. 249 C of 2021, filed on 16.07.2021, in which cognizance has been taken for the offences punishable under Section 409 of the Indian Penal Code.

The allegation, as per the complaint petition, is that the petitioner no. 1, being the Block Development Officer, Ramgarh Chowk, Lakhisarai, and the petitioner no. 2, being the Technical Assistant, Bhawaria Gram Panchayat, misappropriated Government fund meant for executing NAL JAL Scheme of the Government and without doing any work,



have defalcated a sum of Rs. 12,00,000/-.

Learned Counsel for the petitioners submits that the petitioners have not committed any offence in the manner alleged and after completion of the work, the present complaint has been filed due to the fact that while constructing the road, the soak pit of the side of the complainant got damaged and the private complaint has been filed, alleging defalcation of the Government money. Referring to Annexure 5, he submits that the District Magistrate, Lakhisarai, in his order, dated 07.01.2022, has come to the conclusion that the work concerning the petitioners has been completed by them.

Regards being had to the submissions made on behalf of the parties and taking into consideration the statement of learned Counsel for the petitioners that the work under the scheme has been completed by them and the fact that the petitioners are Government officials and there is no likelihood that the petitioner will abscond and/or tamper with the evidence, I am inclined to grant the petitioners privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period



of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Lakhisarai, in connection with Complaint Case No. 149C of 2021.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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