

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11887 of 2023

Arising Out of PS. Case No.-329 Year-2021 Thana- GORAUL District- Vaishali

ARUN KUMAR RAI S/O CHETNARAYAN RAI SECRETARY R/v- Basti
Sarsikan, Ward No- 4, P.O.- Kishunpur Telaur, P.S.- Goraul, District- Vaishali
at Hajipur. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anish Chandra, Advocate

For the Opposite Party/s : Mr. Dilip Kumar No.1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 31-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in Goraul
(Kathara O.P.) P.S. Case No. 329/2021 registered for the
offences punishable under Sections 409 & 420/34 of the Indian
Penal Code.

3. The allegation against the petitioner is that
Rs.8,00,000/- on 16.10.2019 and Rs.6,00,000/- on 03.09.2020
were transferred through bank account under government
scheme but work has not been completed by the petitioners.

4. It is submitted by learned counsel for the petitioner
that no such occurrence as alleged ever took place. He has been
falsely implicated in this case. The allegation levelled against
the petitioner is not specific rather general and omnibus in
nature. The petitioner has no criminal antecedent as mentioned
in para-3 of this application.



5. Vide order dated 11.05.2023, learned APP for the State was directed to file a detailed counter affidavit specifically stating that the work is completed or not till date. In compliance thereof, a counter affidavit has been filed, which is on record, in which it is stated that the work has not been completed and funds are misappropriated by the petitioner.

6. Learned APP for the State vehemently opposing the bail petition submitted that as the work has not been completed as yet, hence the petitioner does not deserve anticipatory bail.

7. Considering the facts and circumstances of case as well as the fact that work has not been completed and government money has been misappropriated, I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected.

8. However, if the petitioner surrenders before the learned Court below within six weeks from today and seek regular bail, the learned Court below would pass order in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

Trivedi/-

U		T	
---	--	---	--

