

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15819 of 2023

Arising Out of PS. Case No.-597 Year-2022 Thana- GAURICHAK District- Patna

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ASHISH YADAV Son of Sanjeev Kumar R/O- 533, Yadav Colony,
Shikohabad, P.O. and P.S.- Shikohabad, District - Firozabad, Uttar Pradesh,
Presently posted as Junior Engineer, Block - Hilsa, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Ranjan, Advocate

For the Opposite Party/s : Mr. Anil Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection
with Gaurichak P.S. Case No. 597 of 2022 for the offence
registered under sections 409 and 420 of the Indian Penal Code
lodged on 05.09.2022 by the informant, Abhiyant Shekhar.

The prosecution case, in short, is that there were
irregularities found at village panchayat, Brawa Block, Punpun
under Panchayati Raj Department in the scheme of Chief
Minister seven Nischay Yojna, Gramin Payjal Nischay Yojna
and Gramin Gali Pakkikaran Yojna. It is stated that after
inspection by District Panchayat Raj Officer, Patna through
Letter No.3188 dated 06.09.2021, President, Ward Secretary,



Panchayat Secretary, Junior Engineer and Mukhiya of Ward Nos. 1, 2, 6, 7, 9, 10 and 11 were found guilty. Accordingly, direction was given to lodge FIR.

The allegation against the petitioner who is the Junior Engineer is of misappropriation of fund.

The defence case is that the entire work has been done and due to confusion the FIR has been lodged. The further contention is that the petitioner is ready to appear before the District Panchayati Raj Officer, Patna along with the documents to apprise him about the work having been done, so far as this petitioner is concerned.

In view of the said submission put forward by the learned Counsel for the petitioner, this Court is inclined to extend him provisional bail for a period of 10 weeks from today with following observations;

Within two weeks, the petitioner will be appearing with all the documents before the District Panchayati Raj Officer, Patna and apprise him about the details of the work done.

The certificate so issued by the District Panchayat Raj Officer, Patna shall be produced before the concerned Court and if the District Panchayat Raj Officer, Patna provides



certificate stating that the work with regard to the payments made has been undertaken/completed and/or the rest of the amount deposited, the concerned Court shall confirm the bail of the petitioner.

It goes without saying that the petitioner has been granted relief for only ten weeks. Thus when the petitioner appears before the District Panchayati Raj Officer, Patna within two weeks from today, he is duty bound to take immediate steps and see to it that an order is passed on the claim put forward by the petitioner within the next four weeks so that the petitioner is able to submit the certificate, if so granted, to the concerned court.

Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on Provisional bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM VI, Patna City in connection with Gaurichak P.S. Case No. 597 of 2022 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his



bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the anticipatory bail application stands disposed of.

(Rajiv Roy, J)

Jagdish/Neha/-

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