

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.15100 of 2023**

Arising Out of PS. Case No.-200 Year-2022 Thana- KAHALGAON District- Bhagalpur

ARVIND KUMAR NIRALA SON OF ROHIN MANDAL R/O VILLAGE-  
SADANANDPUR BAISA, P.S.- KAHALGAON, DISTRICT-  
BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                                                                                                         |
|--------------------------|---|-------------------------------------------------------------------------------------------------------------------------|
| For the Petitioner/s     | : | Mr. N.K. Agrawal, Sr. Advocate along with<br>Mr. Kumar Rajdeep,<br>Mr. Arbind Kumar and<br>Mr. Diksha Kumari, Advocates |
| For the Opposite Party/s | : | Mr. Navin Kumar Pandey, APP                                                                                             |

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
ORAL ORDER

3      16-05-2023                      Heard learned counsel for the petitioner and learned  
APP for the State.

The petitioner has prayed for regular bail in a case instituted for the offence under Sections 406 and 420 of the Indian Penal Code and later on added Sections 409 and 34 of the IPC.

As per prosecution case, the informant, who was Panchayat Secretary, Gram Panchayat, Sadanandpur Baisa Block office Kahalgaon communicating to officer-in-charge Kahalgaon to register criminal case against ward Secretary of ward no. 3 Parmanand Dubey, who allocated total Rs. 12,64,200/- whereas according to measurement book works of



Rs. 5,18,650/- was completed and remaining amount of Rs. 7, 45, 550/- appears to have defalcated by ward Secretary of ward no. 3.

It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case due to dirty village politics. He has committed no offence. Petitioner is not named in the FIR and he runs Hardware & Pipes shops at Bhagalpur and used to sell sanitary parts, ceramic items, Granite and Tiles. The petitioner supplied HDPE Pipes, fittings, etc to Sri Manohar Rishidev the ward Member (now deceased) for which petitioner had received a sum of Rs. 12,64,200/- He submitted that during course of works Sri Manohar Rishidev (ward Member) was died in a Road Accident while he had completed Parts of Works and some remain pending but the materials kept at open place at the works site at village-Sadanandpur Baisa was concealed by the villager taking advantage of death of Sri Manohar Rishidev (ward Member) and the works was not completed by the ward implementation and management committee under Sri Parmanand Dubey. There is no agreement between the petitioner and any of the ward member, Mukhiya or with the authorities. He is languishing in judicial custody since 20.12.2022.



The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhagalpur in connection with Kahalgaon P.S. Case No. 200 of 2022.

**(Sunil Kumar Panwar, J)**

arish/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

