

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15464 of 2023

Arising Out of PS. Case No.-222 Year-2022 Thana- BACHHWARA District- Begusarai

Md. Ushman Son Of Md. Habib R/V- Jahanpur Ward No. 7, Ps- Bachhwara
And Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No2

For the Opposite Party/s : Mr.Murli Dhar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 28-04-2023 Heard learned counsel for the petitioner and
learned APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 409, 420 and 34 of the Indian Penal Code.

As per prosecution case, informant alleged that for execution work under Nal Jal Yojna Plan in Raj Bhikham Ward No-7 estimated cost of Rs. 1,236,400/- was paid to the Chairman-cum-ward member and Ward Secretary of Execution and Management Committee but petitioner being Ward Member and co-accused did not complete the work under Nal Jal Yojna and withdrawn entire amount from the bank, hence the case of misappropriation is made out against them.



Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. During investigation several witnesses have examined and they have clearly stated that the petitioner is doing the work in which money has been given to the contractor, namely, Ramagya Ray, but he has not completed the work in time as a result of which Bachhwara P.S. Case No. 143 of 2020 has been instituted. It is further submitted that the petitioner lost his post in the last election, thereafter the concerned mukhiya, namely, Sima Kumari lodged Bachhwara P.S. Case No. 143 of 2020 for the same occurrence in which one Ramagya Ray has been accused. The petitioner is languishing in judicial custody since 31.11.2022.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as judicial custody, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Bachhwara P.S. Case



No. 222 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai.

(Sunil Kumar Panwar, J)

Manish/-

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