

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23049 of 2023

Arising Out of PS. Case No.-76 Year-2021 Thana- PARBATTI District- Khagaria

Dhiraj Ray Son Of Dinesh Ray Proprietor Of Sapna Enterprises, R/O Village
And P.S.- Matihani, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar, Advocate

For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner is apprehending his arrest in connection with Parbatta P.S. Case No. 76 of 2021, registered for the offence punishable under Sections 406, 409, 420/34 of the Indian Penal Code (for brevity 'IPC').

The First Information Report (for brevity 'FIR') is based on one letter, dated 01.03.2021, issued by the Block Development Officer (for short 'BDO'), Parbatta alleging expenditure of Rs. 6,58,750/-, contrary to the departmental instructions towards purchase of eighty five (85) street lights.

Learned counsel for the petitioner submits that '*Mukhiya*', the vendor, namely, '*Bhagwati Enterprises*' and Panchayat Secretary have been named as accused in the letter.



Mukhiya has been allowed bail in Cr. Misc. No. 36819 of 2021.

The petitioner, though not named by the BDO is apprehending his arrest based on implication due to statement of co-accused made in police custody, having no evidentiary value. He has no criminal antecedents and is a *bona fide* businessman.

Learned APP for the State has opposed the prayer for pre-arrest bail.

Considering the rival submissions, nature of allegation in the letter of the BDO dated 01.03.2021, claim based on parity, this Court, for the limited purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed.

Accordingly, let the petitioner, above named, in the event of his 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) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Khagaria, in connection with Parbatta P.S. Case No. 76 of 2021, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure with following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will



give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

Raj kishore/-

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