

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20655 of 2023

Arising Out of PS. Case No.-221 Year-2022 Thana- NAYA RAM NAGAR District- Munger

1. MD. KHALID RAJA Son of Md. Mosim Ali R/V- Parham, ward no. 13, Ps-
Nayaramnagar (O.P Safiasarai) Dist- Munger
2. Md. Ebrar @ Ebrar Ali @ Ivarar Ali Son of Abdul Jabbar R/V- Parham,
ward no. 13, PS- Nayaramnagar (O.P Safiasarai) Dist- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratnakar Ambastha

For the Opposite Party/s : Mr.Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 24-06-2023 Heard learned Counsel for the petitioners and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises
out of Ramnagar Police Station Case No. 221 of 2022, dated
09.11.2022, disclosing offences punishable under Sections
406/409/420/34 of the Indian Penal Code.

The prosecution case, as per the First Information
Report, is that the petitioners, who are the Ward Member and
Ward Secretary of the Ward No. 13, Village Parham, have not
completed the work under the Chief Minister Nail-Gali Scheme
and defalcated the amount given to the petitioners for execution
of the work in various places under the schemes.



Learned Counsel for the petitioners submits that the petitioners were allotted the work under the Chief Minister Nali-Gali Scheme for laying paver block between the houses of Charitra Modi and Md. Kalam, being Scheme No. 01 of 2019-20 and laying of paver block between the houses of Md. Kalam and Prakash Sah & Wakil Paswan, under Scheme No. 02 of 2019-20. He further submits that the estimated cost of the work of Scheme No. 01 of 2019-20 was Rs. 11,06,300/- and Rs. 4,60,000/- under Scheme No. 02 of 2019-20. Referring to Annexure-2/2, learned Counsel submits that 60 per cent of the estimated cost of the work under both the schemes was given to the petitioners as an advance, which comes to Rs. 9,40,980/- and the measurement book reflects the work done under both the schemes to the tune of Rs. 10,16,044/-. Accordingly, the submission is that the petitioners have completed about 65 per cent of the work though the advance amount given to them was for only 60 per cent of the estimated cost. He further submits that there is delay in completion of the work due to local dispute and land dispute raised by the local villagers.

Regards being had to the submission advanced on behalf of the parties and taking into consideration the letter of the Block Development Officer, Jamalpur (Annexure 2/2), in



which he has mentioned that the total value of the work done by the petitioners is Rs. 10,16,044/-, which is more than the advance amount given to them, I am inclined to grant the petitioners privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioners, above named, in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Chief Judicial Magistrate, Munger, in connection with Ramnagar Police Station Case No. 221 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

U	✓	T	✓
---	---	---	---

