

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26468 of 2023

Arising Out of PS. Case No.-59 Year-2021 Thana- BABUBARHI District- Madhubani

Md. Nasir Shah S/O Late Dhachal Shah Resident Of Village- Baruar, P.S.-
Babubarhi, District- Madhubani.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Binod Kumar Mishra, Advocate
For the Opposite Party : Mr. Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 24-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Babubarhi P.S. Case No. 59 of 2021 dated 16.03.2021, instituted for the offences punishable under Sections 420 and 409/34 of the Indian Penal Code.

3. The case of prosecution, in short, is that the petitioner and co-accused have withdrawn total amount of Rs. 11,00,000/- (Eleven Lakhs) and 13,00,000/- (Thirteen Lakhs) for the purpose of *Nal Jal Yojana* but failed to complete the assigned task.

4. Learned counsel for the petitioner submits that the petitioner is innocent, 80 years old person and he has falsely been implicated in this case. It is submitted that the work of *Nal*



Jal Yojana was delayed due to lockdown imposed in Covid pandemic. Further, it is submitted that on the perusal of the Annexure -2 (Measurement Book), undersigned by the authorized persons, it shows that the total work has been completed and amount of Rs. 11,02,329/- has been spent till 13.02.2023, by the petitioner (ward member) in Ward No. 13 of Panchayat Raj Bhatchaura. Lastly, it has been submitted that the petitioner is in custody since 09.02.2023, has no criminal antecedent and charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate- 1st, Madhubani in Babubarhi P.S. Case No. 59 of 2021.

(Khatim Reza, J)

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