

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27692 of 2023

Arising Out of PS. Case No.-13 Year-2021 Thana- SURYAPURA District- Rohtas

Anil Paswan Son Of Late Potan Ram Resident Of Village- Balihar, Ps-
Suryapura, Distt- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivjee Singh, Advocate

For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 24-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
09.11.2022 in connection with Suryapura P.S. Case No. 13 of
2021, F.I.R. dated 21.01.2021 for the offences punishable under
Sections 420 and 409 of the Indian Penal Code.

3. According to prosecution case, the petitioner Anil
Paswan being the ward secretary and co-accused Ravi Kumar
being the ward member of Gram Panchayat Balihar Ward No.07
have irregularly withdrawn Rs.3,60,000/-, Rs.1,80,000/-,
Rs.1,83,000/-, Rs.3,72,000/-, Rs.1,80,000/-, Rs.7,00,000/-,
Rs.8,00,000/-, Rs.8,75,000/- and Rs.9,06,500/- respectively. It
has been alleged that above mentioned amount has been
withdrawn by the accused persons of the said Gram Panchayat



but the work has not been completed till now and it has been alleged that the accused persons have defalcated the above mentioned Government money.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the petitioner is ward secretary of Gram Panchayat Raj, Balhiar, Ward No.7 and the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. in fact the co-accused Ravi Kumar who is ward member of panchayat in question and executed the work in question and has already submitted the measurement book before the competent authority. He further submits that similarly situated, co-accused, namely, Lakshaman Singh @ Lakshuman Singh and Ravi Kumar have been granted bail by a co-ordinate Bench of this Court vide order dated 30.08.2022 passed in Cr. Misc. No.64909 of 2021 and Cr. Misc. 69457 of 2021. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 09.11.2022.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the



petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 Judicial Magistrate, 1st Class, Bikramganj, Rohtas in connection with Suryapura P.S. Case No. 13 of 2021, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the



court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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