

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28049 of 2023

Arising Out of PS. Case No.-457 Year-2022 Thana- TAJPUR District- Samastipur

1. REKHA DEVI @ REKHA KUMARI WIFE OF DINESH SHARMA
RESIDENT OF VILL- KAUWA WARD NO 10, PS -TAJPUR (HALAI OP),
DISTT-SAMASTIPUR
2. Sangita Devi @ Sanjita Devi Wife of Feku Sharma Resident of village-
kauwa Ward No 10, P.S.- Tajpur (Halai OP), Distt- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjai Kumar Singh, Adv.
For the Opposite Party/s : Mr. Parmeshwar Mehta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 14-07-2023 Heard Mr. Dhananjai Kumar Singh, learned counsel
appearing on behalf of the petitioners and Mr. Parmeshwar
Mehta, learned A.P.P. for the State.

2. The petitioners apprehend their arrest in connection
with Tajpur (Halai O.P.) P.S. Case No. 457 of 2022, dated
23.09.2022, registered under Sections 420, 409, 34 of the Indian
Penal Code.

3. The prosecution case, in brief, is that F.I.R. which
has been lodged on the recommendation of the Block
Development Officer by the Panchayat Sachiv of the village
namely Bajitpur Karnaul , Block- Morwa, District, Samastipur
that petitioners have not executed the Mukhya Mantri Nal Jal



Yojna. The petitioners have not completed the work and have misappropriated the Government money.

4. Learned counsel appearing on behalf of the petitioners submit that petitioners have completed entire work and measurement book to that effect also confirms the same. The measurement book is maintained by the petitioner and countersigned by the competent authority, which shows that work has already completed. Learned counsel submits that admittedly the work has been completed with delay and cause for delay is that the local people in the vicinity has interfered with the on going work executed by the petitioner and the petitioner was also threatened of dire consequences and was also assaulted by the local people. The mother-in-law of petitioner no. 1 had lodged Tajpur (Halai O.P.) P.S. Case No. 89 of 2019 dated 03.04.2019 and petitioner no. 1 has lodged Tajpur (Halai O.P.) P.S. Case No. 19 of 2021 dated 12.01.2021. The petitioners have clean antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioners.

6. Having considered the nature of allegation made against the petitioners as well as specific statement made by the petitioners that work has already been completed. The Court



Below is directed to verify the record relating to the work completion and after being satisfied that the work has been completed and the petitioners have been granted work satisfaction certificate with respect to the execution of work allotted to them, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Samastipur in connection with Tajpur (Halai O.P.) P.S. Case No. 457 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

7. The Court below is directed to verify the criminal antecedent of the petitioners and if it is found that the petitioners are involved in some other cases as what has been stated in paragraph no. 3 of the bail application, this order will automatically loose its force.

(Purnendu Singh, J)

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