

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35352 of 2023

Arising Out of PS. Case No.-76 Year-2019 Thana- RAJNAGAR District- Madhubani

MANOJ KUMAR Son of Kusheshwar Mahto Resident of village -
Chhitneshwar, P.S. - Warisnagar, P.O. - Chhitneshwar, Distt. - Samastipur,
ward no. 7, Pin - 848308

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Mrigank Mauli, Sr. Adv. Mr.Kumar Ravish, Adv.
For the Opposite Party/s	:	Mr.Dilip Kumar No.1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 17-10-2023 Heard Mr. Mrignak Mauli, learned Senior Counsel
appearing for the petitioner assisted by Mr. Kumar Ravish,
Advocate and Mr. Dilip Kumar No.1, learned APP for the
State.

2. The petitioner apprehends his arrest in connection with
Rajnagar P.S. Case No.76 of 2019, registered for the offence
punishable u/s 406/409/420/34 of the IPC.

3. As per the prosecution case, the petitioner being the
Contractor was paid a sum of Rs.9,80,000/- for the '*Nal Jal
Yojana*' under the Chief Minister '*Sat Nischaya Scheme*' and
remaining amount of Rs.2,60,000/- has been illegally and
fraudulently withdrawn by the present Mukhia Shri Mukesh



Paswan and Shri Faudar Paswan. The petitioner being the Contractor is thus alleged to have conspired with other co-accused persons and fraudulently defalcated Government money granted for the *Nal Jal Yojana* under the Chief Minister '*Sat Nischay Scheme*'.

4. It is submitted by learned Senior Counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case due to ulterior motive. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. Petitioner was neither the contractor nor the agency rather he was only the supplier of hardware items. The work was completed by other co-accused persons and the goods supplied by the petitioner's firm were utilized for implementing the scheme. Learned Senior Counsel further submits that the work was completed and M.B. Book was also prepared which shows that the work has been completed. Petitioner has no criminal antecedent.

5. Learned APP for the State opposed the prayer for bail by submitting that there is specific allegation against the petitioner of fraudulently withdrawing the amount of Government



scheme. It is further submitted that the petitioner has annexed the tax invoice of his firm M/s Ayushi Enterprises dated 25.04.2018 for the supply of goods, while the payment of Rs.3,40,000/- has been made to him in the month of May, 2018. Similarly, petitioner has annexed invoice dated 26.05.2018 but the payment of Rs.6,40,000/- has been made in month of June, 2018. Learned APP also submits that in the said tax invoice, CGST and SGST amount details are not mentioned, which clearly shows that the tax invoice are false and fabricated. Thus, the petitioner being the Contractor conspired with other co-accused persons and fraudulently defalcated Government money granted for the *Nal Jal Yojana* under the Chief Minister '*Sat Nischay Scheme*'. There is also ample evidence against the petitioner in the case diary, therefore, he must not be granted privilege of anticipatory bail.

6. Having heard the submissions of the parties and on perusal of the record, I find that there is allegation upon the petitioner of defalcating the Government fund in connivance with other accused persons. Considering, the nature of allegation, I am not inclined to enlarge the petitioner on bail. The prayer for grant of anticipatory bail of the petitioner is hereby rejected.



7. This application is accordingly dismissed.

8. However, petitioner is at liberty to surrender before the learned Court below within a period of six weeks from today and seek regular bail and the learned Court below would pass order, preferably, on the same day, without being prejudiced of the dismissal of this case.

(Anjani Kumar Sharan, J)

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