

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41522 of 2023

Arising Out of PS. Case No.-516 Year-2022 Thana- SHAHPUR PATORI District- Samastipur

BIPIN KUMAR SINGH Son of Harichandra Prasad Resident of village -
Mathura Sultanpur Pachkaliya, P.S. - Biddupur, Distt. - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sarveshwar Tiwary, Adv.

For the Opposite Party/s : Mr.Shailendra Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 04-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 420, 406, 409, 379 of the Indian Penal Code.

3. Allegation against the petitioner is that he, being a J.E. of Patori Block, along with other accused persons defalcated the government fund during financial year 2016-17 in the PCC construction work.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took place. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is not specific rather



general and omnibus in nature. It is further submitted that petitioner was posted in Patori Block as J.E. during the year 2016-17 and at that time, various government's schemes were performed by him as per the government guidelines. He further submits that one Saraswati Devi, having inimical term with the co-accused Mohan Thakur, filed C.W.J.C. No. 827 of 2022 before the Hon'ble High Court who directed the district authority to inquire into the matter of PCC road construction. It is further submitted that S.D.M. Patori directed the BDO Patori to inquire into the matter.

5. After investigation, BDO Patori submitted the report and it was found that this case has been filed by BPRO without any legal evidence. Moreover, due to local politics, after lapse of seven years, the inquiry has been done in which it has been mentioned that some potholes have been found on the road due to running of heavy vehicles and there is only 3-4 inches thickness has been left in the road in place of 7-8 inches. Saraswati Devi has also filed a complaint before Sub Divisional Public Grievance Redressal and on the direction, an inquiry was conducted in which the work in question has been found as per the specification, and the potholes have been found which was only due to movement of heavy vehicles.



Petitioner has no criminal antecedent as mentioned in para-3 of this application.

6. Learned APP for the State opposed the prayer for bail.

7. Having regard to the facts and circumstances of the case, as some potholes occurred on the alleged road due to running of the heavy vehicles, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Shahpur Patori P.S. Case No. 516 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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