

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47552 of 2023**

Arising Out of PS. Case No.-682 Year-2022 Thana- SHEKHPURA District- Sheikhpora

VIDYA NAND PRASAD S/O RAJENDRA PRASAD R/O VILLAGE-
HASSANGANJ, PS. AND DIST. SHEIKHPURA, THE PANCHAYAT
SEWAK BHADAVNSI PANCHAYAT, GGHOTKUSUMBHA,
SHEIKHPURA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Advocate
For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER**

2 11-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection with Sheikhpora (Sirari O.P.) P.S. Case No. 682 of 2022 for the offence registered under sections 420, 409, 120(B) and 34 of the Indian Penal Code lodged on 16.11.2022 by the informant, Shashikant Singh @ Pappu Singh.

As per the prosecution story, the government amount relating to certain claims were misappropriated by the accused persons which included the petitioner herein, the Panchayat Sewak.



It is the case of the learned counsel for the petitioner that he has been made accused in schemes i.e. 03/2018-19 and 05/2018-19.

The case of the petitioner is that the scheme was underway and without verifying the facts, the present case has been lodged. It is his further submission that he is ready to sit with the officials and see to it that the amount that was released to the said scheme, so far as the execution part is concerned, if any amount is found to be pending that shall be adjusted/deposited with the officials.

Learned APP opposes the prayer stating that he was one of the accomplices to the said misappropriation of funds.

In view of the fact that the petitioner is ready to sit with the officials so far as the scheme nos. 03/2019-19 and 05/2018-19 are concerned and ready to deposit/adjust the amount, this Court is inclined to extend him privilege of anticipatory bail. However, he shall be duty bound to appear before the officials concerned of the said department (which released the scheme)] within a fortnight from today so that it can be seen whether the scheme was completed as petitioner has submitted or not.

Let the petitioner, in the event of arrest or surrender



within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sheikhpura in connection with Sheikhpura (Sirari O.P.) P.S. Case No. 682 of 2022, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any



criminal offence again failing which the State shall be at liberty
to take steps for cancellation of the bail bonds.

With the aforesaid observations, the anticipatory bail
application stands allowed.

(Rajiv Roy, J)

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