

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50720 of 2022

Arising Out of PS. Case No.-533 Year-2021 Thana- BIHIA District- Bhojpur

1. DHARMENDRA RAM Son of Bhikhan Ram Resident of Village - Pakaki, P.S.- Bihiya, District - Bhojpur.
2. Akhilesh Kumar Son of Bisheshwar Ram Resident of Village - Pakaki, P.S.- Bihiya, District - Bhojpur.

... .. Petitioners.

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Bhushan Singh, Advocate

For the Opposite Party/s : Mr. Dilip Kumar No.1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

7 07-04-2023 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Bihiya P.S. Case No.533 of 2021 registered for the offences punishable under Sections 420/409 /120B of the Indian Penal Code.

The allegation against the petitioners is that they siphoned off the government money amounting to Rs.15 lakhs without doing the sanctioned work.

The petitioners are quite innocent and have been falsely implicated in this case due to previous grudge. The allegations levelled against the petitioners is general and omnibus in nature. It is further submitted that petitioners have been made escape goat due to grudge between the two officers.



Petitioners have no criminal antecedent as mentioned in para-3 of this application.

Vide order dated 01.02.2023, the District Magistrate, Ara was directed to submit a report regarding the completion of the work. In compliance thereof, a detailed counter affidavit has been filed in which, *inter alia*, it is stated that no work has been done but advance amount has already been given to the petitioners.

Per contra, learned APP for the State vehemently opposing the bail petition submitted that the allegations levelled against the petitioners is serious in nature, hence they do not deserve anticipatory bail.

Considering the facts and circumstances of case, I am not inclined to enlarge the petitioners on bail. The prayer for bail of the petitioners is hereby rejected.

However, if the petitioners surrender before the learned Court below within six weeks from today and seek regular bail, the learned Court below would pass order in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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