

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51240 of 2022

Arising Out of PS. Case No.-434 Year-2021 Thana- BAHADURPUR District- Darbhanga

PAPPU KUMAR MANDAL S/o Nandkishore Mandal R/o Village-
Kamalpur, P.S.- Bahadurpur (fekla O.P.), District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Indar Paswan S/o Late Ramcharit Paswan R/o Village- Nehra Tole, Rajwara,
P.S.- Manigachi (Nehra O.P.), District- Darbhanga.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Aprajita, Adv.

For the Opposite Party/s : Mr. H.A. Khan, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 16-03-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Learned counsel for the petitioner undertakes to remove
the defect (s), as pointed out by the office, within a period of
four weeks.

The petitioner apprehends his arrest in a case registered
for the offences punishable under Section 420, 409/34 of the
Indian Penal Code.

The prosecution story, in short, is that the scheme of
Gramin Nal Jal Yojna is going on in Panchayat Raj Pidri, Ward
No.10 and the petitioner is the Chairman of managing
committee of the scheme. Petitioner did not complete the work



within stipulated time which has to be completed by 15.06.2020, while money has been deposited in their bank account which was withdrawn by them. In spite of the reminder letter dated 30.05.2020, 15.03.2021 and notice dated 22.03.2021, they did not complete the work.

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. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He further submitted that last payment of Rs. 7,00,000/- has been done by the informant on 02.06.2020 whereas the stipulated period of completion of work was fixed by the informant as 15.06.2020 by the informant and at that time the period of corona pandemic was going on. Due to corona pandemic, the supply of materials and labors were disrupted. But, later on, the construction work has been completed. He further submits that at the time of filing of the FIR, the work of Nal Jal Yojna was going on, which was verified by the I.O. of this case also. Therefore, it can be said that there was no intention to embezzle the government money by the petitioner. Moreover, the work has already been completed, whose cost



was Rs. 16,83,467 and the remaining amount i.e. Rs. 16,533/- has been deposited in the account which is clear from the Annexure-2. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, 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 Bahadurpur P.S. Case No. 434 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

divyanshi/-

U		T	
---	--	---	--

