

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53152 of 2022

Arising Out of PS. Case No.-350 Year-2021 Thana- PHULPARAS District- Madhubani

Chandeshwar Thakur @ Chandeshwar Sharma, S/O Ram Narayan Thakur,
Resident of village- Suriyahi, P.S.- Phulparas, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Prasad, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH
ORAL ORDER

3 17-01-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The Petitioner is apprehending his arrest in connection with Phulparas P. S. Case No. 350 of 2021 registered for the offences punishable under Sections 406 and 409 of the Indian Penal Code.

As per the prosecution case, the petitioner and the co-accused were given Rs. 7,39,000/- through cheque in the name of the co-accused Birendra Kumar Sharan for providing pure drinking water in ward no. 10 under the *Nal-Jal Yojana*. It is alleged that when despite repeated reminders the accused



persons did not complete the work on time. The Civil Court, Jhanjharpur issued a legal notice in the name of the co-accused. Thereafter, the co-accused threatened the informant and his family members and on 06.08.2021 when the informant reached the house of the co-accused to enquire about the pending work, the accused persons abused him and threatened him of dire consequences.

Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. The main allegation of defalcation of money is against the co-accused Birendra Kumar. It is also submitted that there is general and omnibus allegation against the petitioner and no overt act has been alleged against him. The petitioner has no criminal antecedent as stated in para 3 of the bail petition.

Learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioner.

Considering the aforesaid facts and circumstances, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Jhanjharpur, Madhubani in



connection with Phulparas P. S. Case No. 350 of 2021, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

The application stands allowed.

(Chandra Prakash Singh, J)

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