

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55856 of 2022

Arising Out of PS. Case No.-22 Year-2022 Thana- PATAHI District- East Champaran

Rohit Kumar Son Of Sri Upendra Kumar Resident Of Village - Pandeypur,
P.S.- Bihta, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate
		Mr. Rajesh Ranjan, Advocate
For the Opposite Party/s	:	Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 13-03-2023 Heard learned Senior Counsel for the petitioner and
learned A.P.P. for the State.

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

As per prosecution case, the petitioner has paid Santosh Sah (informant) Rs. 49,00,000/- against his invoice of Rs. 74,98,947/- for providing basic facilities on various quarantine centers in Patahi block. It is contention of the informant that the informant was entitled for payment of Rs. 41,96,313/- and that he has been paid in excess without verification of bill or without passing from the treasury.

Learned counsel for the petitioner submits that 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. Learned counsel for the petitioner has filed a supplementary affidavit and he submits in para-4 of the supplementary affidavit that by letter dated 17.11.2022 issued by the Accountant General (Audit) Bihar, Patna, whereby and whereunder Audit Unit Circle Office, Patna, has stated in its Audit Report that the payment made by the petitioner is at a lower rate than the rates approved by the government. The Audit observation further shows that the rates quoted by Prince Tent House was lower than the rates approved by the District Purchase Committee. He further submits that the allegation of excess payment of Rs. 8,71,539/- is unfounded and the Audit Report further held that the certificate case against the owner of the Prince Tent House was wrongly instituted. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State opposes 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 Patahi P.S. Case No. 22 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

anand/-

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