

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.64515 of 2023**

Arising Out of PS. Case No.-124 Year-2017 Thana- PIPRAHI District- Sheohar

Ashok Kumar, Male, aged about 45 years, S/O Sushil Sah, R/O Village-  
Khhothra, P.S- Belsand, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Dinesh Jha, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

2      17-10-2023                      Heard Mr. Dinesh Jha, learned counsel appearing  
on behalf of the petitioner and Mr. Navin Kumar Pandey,  
learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection  
with Piprahi P.S. Case No. 124 of 2017 registered for the  
offence punishable under Sections 406, 409, 419, 420, 468, 471  
and 120(B)/34 of the Indian Penal Code.

3. As per the allegation made in the FIR, public  
money was misappropriated by the accused persons named in  
the FIR, which was allocated for construction of toilets in Gram  
Panchayat, Abhirajpur, under the scheme of Swaccha Bharat  
Mission (Grameen) and Lohiya Swaccha Yojana for the purpose



of construction of 3065 toilets. Petitioner is also involved in the said misappropriation.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is Block Co-ordinator and one District Co-ordinator has been released on bail by a co-ordinate Bench of this Court vide order dated 06.04.2018 passed in Criminal Miscellaneous No. 16674 of 2018. Petitioner has no role in alleged defalcation of funds for creation of toilets under the said scheme. He further submitted that subsequently, after lodging of the FIR, construction of toilets have been completed. Petitioner has clean antecedent. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having considered the rival submissions made on behalf of the parties, as well as, from very perusal of the records and the allegation made in the FIR it appears that each and every government functionaries have been assigned with a definite role to submit report and on the basis of said report the Executive Engineer after verification has found satisfactory and disbursed the fund required for the project. The District Co-ordinator has already been released on bail by a co-ordinate



Bench of this Court vide order dated 06.04.2018 passed in Criminal Miscellaneous No. 16674 of 2018. I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Sheohar, in connection with Piprahi P.S. Case No. 124 of 2017, subject to the following conditions:

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in Court on each and every date during trial and in the event of his failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the



investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

**(Purnendu Singh, J)**

Niraj/-

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