

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59396 of 2022**

Arising Out of PS. Case No.-58 Year-2021 Thana- MOHIUDDIN NAGAR District-
Samastipur

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MANISH KUMAR S/O Rajdeo Rai @ Rajdev Rai R/V- Ramaiya, P.S-
Mahiuddin Nagar, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar, Advocate

For the Opposite Party/s : Mr.Ganesh Prasad Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 13-01-2023 Heard the learned counsel for the
petitioner and the learned APP for the State.

The petitioner seeks regular bail in connection with Samastipur Muhiuddin Nagar P.S. Case No.58 of 2021, registered for the offences punishable under Sections 420, 406/34 of the Indian Penal Code.

The allegation is regarding the petitioner, who was the ward Secretary of Bhadaiya Panchayat, having withdrawn a sum of Rs.23,40,300/- along with the ward member, namely, Ram Babu Rai, from the Government



Treasury, however, the work to be carried out was firstly, not fully completed and secondly, the work which had been carried out partly was sub-standard.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 03.08.2022. The learned counsel for the petitioner has submitted that though the petitioner is an accused in two other criminal cases, but he is on bail in one of them. It is further submitted that it is not a fact that no work was done and in fact most of the construction work to be done has been carried out, nonetheless, considering the fact that the work in question has been alleged to have been done in a sub-standard manner, the petitioner is ready and willing to deposit a sum of Rs.5,00,000/-(five lakh only) with the Najarat of the learned trial court, for the purposes of grant of bail.



Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

I have heard the learned counsel for the parties and gone through the materials on record from which it is apparent that though the length of the drain to be constructed under the scheme is 1800 feet, but only 1558 feet of drain was constructed and moreover, 4 inch thick PCC ought to have been laid below the drain, but upon inspection it has been found to be having a thickness of only 2 inch. In such view of the matter, this Court finds that in case the petitioner deposits Rs.5,00,000/-(five lakh) with the Nazarat of the Civil Court at Samastipur and produces proof of such deposit before the learned court of ACJM-IV, Samastipur in connection with Samastipur Muhiuddin Nagar P.S. Case No.58 of 2021, the petitioner shall be granted the privilege of bail subject to such conditions as may be deemed fit and proper to be imposed.



The petition stands disposed off with the
aforesaid observations and directions.

(Mohit Kumar Shah, J)

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