

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.64089 of 2023

Arising Out of PS. Case No.-68 Year-2019 Thana- INARWA District- West Champaran

Sanjeev Kumar Rai S/o- Vishwanath Rai Village- Karanmeya Ps- Bettiah
Muffasil Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 17-10-2023 Heard Mr. Bimlesh Kumar Pandey, learned counsel
appearing on behalf of the petitioner and learned Additional
Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Inarwa P.S. Case No. 68 of 2019, registered for the
offences punishable under Sections 420, 406, 409/34 of the
Indian Penal Code.

3. Allegedly the informant who happens to be the
Ward Member of Ward No. 4 had given a contract for
completing *nal jal yaojana* of the Bihar Government to the
petitioner and co-accused Diwakar Kumar @ Diwakar
Upadhyay and for the said purpose, an amount of Rs.6,00,000/-
was credited into the account of the petitioner. It is further
alleged that despite the amount received by the petitioner, the
accused persons have completed only 270 feet of boring and left
the rest work unattended. It is further alleged that neither they
are completing the work nor they have returned the money



resulting into lodging of this case.

4. Learned counsel appearing on behalf of the petitioner submits that there is no chit of paper showing that the petitioner has been assigned the work of executing the *nal jal yojana* rather the petitioner was a mere supplier of the goods and against the money credited in his account, he has already supplied the materials. Moreover, the work was required to be completed at the level of the Ward Implementation and Management Committee itself and as such subletting of the work to the petitioner and another co-accused persons does not arise. He next submitted that only in order to save the skin of the members of the Ward Implementation and Management Committee, the present FIR has been instituted. Furthermore, the co-accused Diwakar Kumar @ Diwakar Upadhyay, against whom there was more or less identical allegation, has been allowed the privilege of anticipatory bail by the learned co-ordinate Bench of this Court in Cr. Misc. No. 55234 of 2021 *vide* order dated 30.08.2022. He lastly submits that the petitioner is ready to cooperate in the investigation and in case if need arises, he would ensure his presence before the Investigating Officer.

5. On the other hand, learned counsel for the State



opposes the bail application and submits that the money has been deposited in the account of the petitioner and as such he is responsible for the work allotted to him.

6. Regard being had to the submissions made on behalf of the parties and considering the materials available on record wherein nothing has been shown that the petitioner has been authorized to ensure the completion of the *nal jal yojana*, apart from the fact that co-accused person has been allowed the privilege of anticipatory bail, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of the Judicial Magistrate, 1st Class, Bettiah, West Champaran in connection with Inarwa P.S. Case No. 68 of 2019, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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