

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62558 of 2022**

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

BIRENDRA KUMAR SHARAN Son of Ram Narayan Sharan R/V- Suriahi,
P.S- Phulparas, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar

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

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

4 12-05-2023 Heard learned counsel for the petitioner and the State.

Petitioner apprehends his arrest in a case registered for the offence punishable under Section 406, 409 of the Indian Penal Code.

As per the prosecution case, this petitioner and other accused persons received Rs. 7,39,000/- through cheque in the name of this petitioner for providing drinking water for the public of ward No.10 under Nal Jal Scheme but they did not complete the work.

Learned counsel appearing for the petitioner submits that petitioner is innocent and has falsely been implicated in the case. It is further submitted that petitioner has already completed the work and in support of submission measurement book and photograph of the tank have already been annexed. It



is next submitted that petitioner was given contract of Rs. 14,83,700/- out of which he received only Rs. 6,50,000/- though he completed the work of Rs. 13,42,630/- but in stead of disbursing fund, this false case has been lodged. Petitioner has got clean antecedent.

Learned counsel appearing for the State opposes the prayer for anticipatory bail.

Considering the facts of the case, nature of accusation and clean antecedent of the petitioner, let the petitioner, above named, in the event of his arrest/ surrender within a period of six weeks from today shall be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate-II, Jhanjharpur, Madhubani in connection with Phulparasa PS case No. 350/ 2021, subject to conditions laid down u/s 438(2) of the Cr. P. C.

(Prabhat Kumar Singh, J)

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