

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62783 of 2022

Arising Out of PS. Case No.-2 Year-2021 Thana- SIKARPUR District- West Champaran

MD. SHAMIM AKHATAR GUL Son of Raiful Gaddi Secretary Ward No.-
13, Panchayat Raj Kukura, Resident of village - Odrawa, P.O.- Maniyari, P.S.-
Shikarpur, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Adv.

For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 11-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Shikarpur
P.S. Case No. 02 of 2021 dated 01.01.2021 registered for the
offence under Sections 420, 406, 409 of the Indian Penal Code.

According to the prosecution, the petitioner has
misappropriated the government money by using substandard
materials while carrying out the work allotted under the Gram
Nal Jal Yojna under the Chief Minister Scheme.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case. He further submits that
the petitioner happens to be Ward Secretary of Ward No. 13 and
he is being prosecuted in this case with the accusation of



misappropriation of government money by using the substandard material. More specifically he has not completed the work as per the guidelines stipulated in the work order as during verification the pipe was found short by 27 meters and the pipe used under the Gram Nal Jal Yojna under the Chief Minister Scheme was substandard. He further submits that altogether Rs. 12,50,000/- has been allotted against the aforesaid scheme and the work has been completed as per the guidelines issued by the Government. He further submits that the petitioner has not defalcated even a single rupee of government money. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 05.07.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Shikarpur P.S. Case No. 02 of 2021 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and



on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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