

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64461 of 2023

Arising Out of PS. Case No.-1422 Year-2022 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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VIDYA BHUSHAN @ VISHAL KUMAR @ VIDYA BHUSHAN KUMAR
SINGH @ VIDYA BHUSHAN SINGH, aged about 33 years, Gender, Male,
Son of Shankar Singh @ Shankar Prasad Singh R/o vill - Sultanpur, P.s. -
Mahnar, Distt. - Vaishali

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. REKHA KUMARI W/o DINESH SHARMA R/o vill - Kauwa, P.S. - Tajpur
Halai, Distt. - Samastipur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Bhaskar Shankar, Advocate
For the Opposite Party/s	:	Mr. Shyam Kumar Singh, APP
For O.P. No.2	:	Mr. Dhanajay Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 16-10-2023 Heard the parties.

2. The petitioner seeks pre-arrest bail in connection with Complaint Case No. 1422 of 2022 registered for the offence(s) punishable under Sections 420, 406 and 409 of the Indian Penal Code.

3. As per allegation made in complaint, complainant, being the ward member, had advanced rupees 19 lakhs to the petitioner for execution of a work under Nal Jal Yojna. The petitioner has executed the work under this plan to the extent of rupees 9 lakhs and remaining amount of rupees 10 lakhs has been misappropriated by him.



4. Learned counsel appearing on behalf of the petitioner submits that petitioner is ready to return back the entire amount but in instalments. However, he has not denied that the advance amount was given on account of execution of work with respect to a scheme which was not executed within time and the petitioner has also not returned rupees 10 lacs. Learned counsel further submits that complainant is also accused with respect to Tajpur (Halai O.P.) P.S. Case No.457 of 2022 and by filing the complaint, the complainant has tried to get herself rid of the alleged case which has been lodged against her to show her *bona fide*. Learned counsel further submits that a thorough inquiry was conducted on the direction of the District Magistrate and on the recommendation of the Block Development Officer, the Panchayat Sachiv of the village has lodged the FIR against the complainant for having misappropriated the said amount of fund for which allegation has been made against the petitioner that he has not returned rupees 10 lakhs.

5. At this stage, Mr. Dhanajay Kumar Singh, learned counsel, has tendered his appearance on behalf of the complainant / opposite party no.2 and he informs this Court that the complainant has executed the work on her own and she has



been released on bail vide order dated 14.07.2023 passed in Cr. Misc. No.28049 of 2023. Learned counsel further submits that complainant has made specific statement in paragraph no.2 of the complaint petition that the entire transaction of rupees 19 lacs was paid by her through Bank and the amount were credited into the account of the petitioner which he cannot deny.

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

7. Considering the nature of allegation made in the complaint as well as the fact that the Government has suffered due to deliberate inaction on part of the complainant as well as the petitioner in execution of work relating to government scheme for which an advance of rupees 19 lakhs was given and thereafter the work was finally executed by the complainant and public, causing delay in execution of work and misappropriation of Government money. The petitioner has accepted that he will return back the entire remaining amount along with interest in six equal instalments or within a period of six months or as per his conveyance before that period, petitioner is directed to be released on **provisional bail for a period of six months** after submitting acknowledgment of payment of first instalment of rupees Two lacs at the time of



furnishing bail bond on such terms and conditions, as the court below deems fit and proper.

8. In case, the entire amount is returned back to the complainant within the aforesaid period and a joint affidavit to this extent is filed before the court below, the provisional bail granted to the petitioner shall be made absolute by the court below itself, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. or in case of failure, this order will lose its force.

9. With the aforesaid observation/direction, the application stands disposed off.

(Purnendu Singh, J)

Sanjay/-

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