

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68274 of 2023

Arising Out of PS. Case No.-351 Year-2021 Thana- JAMUI District- Jamui

Manoj Kumar, Son of Paro Yadav Resident of Village- Ramdih, PS-
Sikandara, District- Jamui

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 09-11-2023 Heard learned counsel for the petitioner and Mr.
Choubey Jawahar, learned APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Jamui P.S. Case No. 351 of 2021 registered for the offences punishable under Sections 420/406 of the Indian Penal Code. He has got no criminal antecedent.

3. The FIR giving rise to the present case has been lodged by one Nandan Jha, Head Clerk of Zila Parishad Office, Jamui. It is alleged that the petitioner was declared highest bidder for settlement of Sikandara Bus Stand for the financial year 2020-21 for collection of parking charges. The settlement amount was Rs.50,30,500/- which was approved by the competent authority and thereafter, the petitioner deposited Rs.34,52,895/- on the same day and the petitioner was required to deposit a further amount of Rs.19,80,045/- including the



charges of some papers etc. It is alleged that the petitioner was asked to execute the agreement and deposit the rest of the amount vide different letters but he did not deposit. The last notice was given on 07.07.2021 to deposit the amount till 20.07.2021, failing which it was informed that legal action shall be taken.

4. Learned counsel submits that in the aforementioned background, the present case has been lodged. The submission is that immediately after deposit of Rs.34,52,895/- on 21.03.2020, the entire nation went under the lockdown due to unprecedented Covid-19 pandemic. Thereafter, the lockdown continued and there was no movement of vehicles during the lockdown. The Department of Home, Government of India issued several guidelines which were in force during the lockdown period.

5. Learned counsel submits that in the aforesaid unprecedented circumstance, the petitioner approached the Zila Parishad officials and asked them to refund the money deposited by him as several months had lapsed and there was no chance of normalcy of the public transportation in near future. Instead of refunding the money, the Zila Parishad issued a *Parvana* dating the same as on 03.04.2020 which was received by the petitioner



on 13.07.2020.

6. Learned counsel submits that in the financial year 2021, a fresh tender had been published. The petitioner has filed a writ application being CWJC No. 11785 of 2021 in this Court seeking refund of the amount from the Zila Parishad. In the meantime, Zila Parishad has lodged a certificate case also under the Public Demand Recovery Act. Learned counsel submits that in fact in the aforementioned circumstance, lodging of the FIR itself is a malafide exercise of power by the officials of Zila Parishad and in the facts of the case, the petitioner deserves privilege of anticipatory bail.

7. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner saying that the petitioner was obliged to deposit Rs.19,80,045/- which he did not deposit and thereby caused loss to the State Exchequer.

8. Having regard to the entire facts and circumstances of the case, the nature of dispute arising out of a contract awarded to the petitioner for realising the parking charges but then the unprecedented situation of Covid-19 enforcing nation-wide lockdown which are being explained by the petitioner, this Court directs that in case of his arrest or surrender within a period of six weeks from today, the petitioner above named be



released on bail in connection with Jamui P.S. Case No. 351 of 2021 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jamui, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

9. 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.

10. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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