

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64783 of 2022

Arising Out of PS. Case No.-228 Year-2022 Thana- BIHPUR District- Bhagalpur

VINAY MALAKAR S/O Sri Ram Suwaraup Malakar R/O Village- Hario,
P.S- Bihpur, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha

For the Opposite Party/s : Mr.Uday Pratap Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 17-01-2023 Heard both sides.

The petitioner apprehends his arrest in connection with Bihpur P.S. Case No.228 of 2022, registered for the offences punishable under Sections 406, 409, 420 and 34 of the Indian Penal Code.

The informant alleged that the petitioner was entrusted with a contract work under Nal Jal Yojana at Bihpur Panchayat in Ward No.5. The informant reveals that he has already disbursed the entire amount to erstwhile Mukhiya. It is alleged that the petitioner has created pressure upon the informant to disburse this amount to the proprietor of Shivam Enterprises for the said task. A sum of Rs.12,00,000/- has already been paid but the work remains incomplete. The informant alleged that after physical inspection of the work site,



it is detected that it has been completed only to the extent of Rs.7,30,446/-.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the petitioner has got no criminal antecedent as stated in paragraph-3 of the bail application. It is further submitted that petitioner has only supplied the materials and labours (Annexure-2 and 3 series). It is submitted that co-accused (the Mukhiya) has been granted anticipatory bail by the learned court below itself.

Learned APP for the State opposed the prayer for anticipatory bail of the petitioner.

Considering the nature of offence, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the prayer for grant of anticipatory bail to the petitioner is hereby rejected.

However, if the petitioner surrenders before the learned court below within a period of six weeks from today and prays for regular bail, the learned court below shall consider the prayer for regular bail of the petitioner preferably on the same day without being prejudiced by this order considering the facts that no specific allegation is alleged against the petitioner and



his role was only to the extent of supplying materials and labours.

This anticipatory bail application stands disposed of.

(Anjani Kumar Sharan, J)

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