

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68619 of 2022**

Arising Out of PS. Case No.-197 Year-2021 Thana- JHANJHARPUR District- Madhubani

MD. IFRAN ANSARI SON OF LATE MD. USMAN ANSARI R/O
VILLAGE- CHANAURA GOTH, P.S.- JHANJHARPUR, DISTRICT-
MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Nandan Prasad, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 15-03-2023 Heard learned counsel appearing on behalf of the parties.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Jhanjharpur P.S. Case No. 197 of 2021 registered for the offence under Sections 406, 409, 420 and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in custody since 11.08.2022.

The allegation against the petitioner is to defalcated government amount out of total sanctioned amount of Rs. 14,84,000/- (Rupees Fourteen Lac and Eighty Four Thousand Only).



Learned counsel appearing on behalf of the petitioner submitted that this is not a matter of defalcation and cheating rather this is the case, where, execution of work delayed due to non-supply of items used for “*Nal Jal Yojna*” by respective suppliers. It is submitted that cheque of Rs. 8,50,000/- (Rupees Eight Lac and Fifty Thousand Only) was given by petitioner to the supplier i.e. Ambika Traders, Darbhanga for purchase of Boring and other materials, but same was not supplied to get project executed within stipulated time. It is submitted that admittedly, work was done for Rs. 4,82,000/- (Rupee Four Lac and Eighty Two Thousand Only), whereas, Rs. 10,31,152/- (Rupees Ten Lac Thirty One Thousand One Hundred and Fifty Two Only) in bank account of the petitioner at time of lodging the FIR and such allegation of defalcation is not convincing on its face. It is further submitted that now the assigned work has been executed by the Chairman of Management Committee out of the same fund as it was available with the committee and this petitioner. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.



Learned APP appearing on behalf of the State,
opposes the prayer of bail.

Considering the facts and circumstances as mentioned
above, as matter appears out of delay in execution of assigned
work of “*Nal Jal Yojna*”, where, allocated fund was already
available with the committee coupled with the fact that charge-
sheet has already submitted, let the petitioner, above named, is
directed to be released on bail in connection with Jhanjharpur
P.S. Case No. 197 of 2021, on furnishing bail bond of
Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like
amount each to the satisfaction of learned A.C.J.M.-I,
Jhanjharpur/concerned court, subject to the condition as
mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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