

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1385 of 2023

Arising Out of PS. Case No.-165 Year-2022 Thana- BAKHARI District- Begusarai

UMESH RAJAK S/o Mohan Rajak R/o Mohalla- Station Road ward no . 12,
Nagar Panchayat Bakhri, P.S.- Bakhri, Distt- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjit Kumar Yadav, Advocate

For the Opposite Party/s : Mr.Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 22-05-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

This is an application for grant of
anticipatory bail in connection with Bakhri PS Case
No. 165 of 2022, registered for the offences
punishable under Sections 406 and 409 of the
Indian Penal Code.

It is alleged that certain purchases were
made by the *Nagar Panchayat*, Bakhri, whereafter
inquiry was held by the Vigilance Department and
it transpired that there were lot of discrepancies in
the said purchases made by the Nagar Panchayat
and moreover, the provisions contained in the
Bihar Financial Rules, 2005 had been



contravened as also supply orders were issued without obtaining quotations. The Vigilance Department had also found various irregularities in purchase of CCTV cameras, Four Cylinder Power Tractor (J.C.B. Set), Street Light and High Mast Light etc.

The learned counsel for the petitioner submits that petitioner is innocent, he has been falsely implicated in the present case and is having a clean antecedent. The learned counsel for the petitioner has further submitted that the petitioner was elected as Ward Councillor of *Bakhri Nagar Panchayat* in the year, 2017 and the said *Bakhri Nagar Panchayat* comprises of 20 elected Ward Councilors, however, the petitioner was neither member of the Standing Committee nor that of the Purchase Committee, thus since the purchases were made by the said *Nagar Panchayat* only after approval of the Standing Committee/ Purchase Committee, it is the members of the Standing Committee/ Purchase Committee or the Chief Councilor, who are responsible for any irregularities



having been committed. Lastly, it is submitted that some co-accused persons, who were also Ward Councilors of *Nagar Panchayat*, have already been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court vide order dated 18.04.2023, passed in Criminal Miscellaneous No. 8184 of 2023 and in fact, the Chief Councilor has also been granted the privilege of anticipatory bail.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the parity of the case of the petitioner with that of the co-accused persons who have already been granted the privilege of anticipatory bail by co-ordinate Benches of this Court, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the abovenamed petitioner, in



the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Begusarai in connection with Bakhri P.S. Case No. 165 of 2022, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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