

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8550 of 2024

Arising Out of PS. Case No.-570 Year-2022 Thana- SHAHPUR PATORI District- Samastipur

Rahul Kumar S/O DINESH KUMAR RESIDENT OF WARD NO. 32,
JADHUA, PS. HAJIPUR, DIST. VAISHALI, AT PRESENT POSTED AS
JUNIOR ENGINEER, LAEO WORK DIVISION-01, SAMASTIPUR.

... .. Petitioner/s

Versus

1. The State of Bihar
2. PRABHAT RAI S/O SRI RAM NATH RAI VILLAGE- BAGHARA,
BARIYARPUR, PS. MOHANPUR, DIST. SAMASTIPUR.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sarveshwar Tiwary
For the Opposite Party/s : Mr.Parmeshwar Mehta

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 20-02-2024 Heard learned counsel for the petitioner as well as the
learned APP for the State.

2. The petitioner apprehends his arrest in connection with
Shahpur Patory P.S. Case No. 570 of 2022, registered for the offences
punishable under Sections 420, 406, 409, 379 of the Indian Penal
Code.

3. As per prosecution case, in pursuance to the letter no.
4165 dated 29.11.2012 issued by District Panchayat Raj Officer,
Samastipur and in pursuance to the letter 826 dated 02.12.2022
issued by Block Panchayat Officer, the petitioner is alleged to have
defalcated the government money, meant for public welfare work.

4. Learned counsel for the petitioner has submitted that
the petitioner is innocent and has falsely been implicated in this case.



He was transferred to another place much before lodging of the FIR. He has submitted further that the concerned Block Development Officer has reported that the entire work was satisfactory. The enquiry report of Block Development Officer is annexed at page 29 of the petition. He has also submitted that considering all these facts, the recovery of the amount was stayed vide order dated 21.12.2022 by a co-ordinate Bench of this Court in CWJC No. 17530 of 2022 against Chairman of Ward Implementation and Management Committee.

5. Considering the above-mentioned facts and circumstances, let the petitioner, in the event of his arrest or surrender within four weeks before the learned court below, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate- Ist, Class Samastipur in connection with Shahpur Patory P.S. Case No. 570 of 2022, subject to the conditions as laid down under Section 438(2) Cr.P.C.

6. Let the copy of this order be transmitted to the District Magistrate, Samastipur.

(Nawneet Kumar Pandey, J)

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