

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8916 of 2024

Arising Out of PS. Case No.-349 Year-2021 Thana- SAHPUR District- Bhojpur

Bablu Kumar S/o Somaru Kumar R/o Vill - TOKATHI, P.S. SHAHPUR, Dist.
- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md Ataul Haque, Advocate.

For the Opposite Party/s : Mr. Ajit Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 26-07-2024 Heard Mr. Md. Ataul Haque, learned counsel
appearing on behalf of the petitioner and Mr. Ajit Kumar,
learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Shahpur P.S. Case No. 349 dated 2021 registered for the
offence(s) punishable under Sections 420, 409 and 406/34 of the
Indian Penal Code.

3. As per the allegation made in the FIR, on the basis
of inspection conducted by the District Magistrate, fund allotted
for implementation of the Nali Gali Yojana in Bharoli Gram
Panchayat, P.S.- Shahpur, Bhojpur was found to be
misappropriated. The petitioner is Ward Secretary cum Ward
Execution and Management Samiti of Ward No.9 of the said
village, for which total sum of Rs.13,81,540/- was allocated for
completion of the Nali Gali Yojana. It is alleged that work to the



extent of Rs.8,87,000/- was done and Rs.4,94,540/- was misappropriated.

4. Learned counsel appearing on behalf of the petitioner submitted that it is not a case that the inspecting team found that no work has been completed but they have shown the work is not satisfactory and it did not need the requirement parameter. He submitted that the petitioner cannot be held to have committed crime for the act, which can be rectified by him. The petitioner has admittedly completed the work as per the work order and the payments were made by him to the beneficiaries, as well as, the trader(s), from whom the material was purchased, as per requirement of the scheme. Learned counsel further submits that the petitioner is ready to deposit 50% of Rs.4,94,540/- which is allegedly said to have been misappropriated.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the rival submissions made on behalf of the parties, as well as, the fact that the work was completed to the total value of Rs.08,87,000/- and the remaining amount which is said to be misappropriated is Rs. 4,94,000/- and the petitioner who is Ward Secretary of Ward No.9 is ready to pay



50% of the said amount into the account of the State Treasury (Annexure-P3), I find that the petitioner, if files the challan of 50% of the misappropriated amount i.e. Rs. 02,47,270/- into the account of the State Treasury following the prescribed procedure within a period of four weeks, then the petitioner, above named, be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of eight weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Arrah in connection with Shahpur P.S. Case No. 349 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The bail application stands disposed of.

(Purnendu Singh, J)

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