

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9190 of 2024

Arising Out of PS. Case No.-254 Year-2022 Thana- BARURAJ District- Muzaffarpur

1. Ram Pravesh Pandit Son of Asharfi Pandit Panchayat Adhayaksh, Ward No.14, Panchayat Raj Mohammadpur, Mahmada, Resident of Vill.-Bhagwanpur, P.S.-Baruraj, Distt.-Muzaffarpur
2. Urmila Devi Wife of Manoj Kumar Ward Sachiv, Ward No.14, Panchayat Raj Mohammadpur, Mahmada, Resident of Vill.-Mahmada, P.S.-Baruraj, Distt.-Muzaffarpur
3. Jogendra Thakur @ Yogendra Thakur Son of Bishun Thakur The then Ward Member of Ward No.15, Panchayat Raj Mohammadpur, Mahmada. Resident of Village- Bhagwanpur, P.S.-Baruraj, Distt.-Muzaffarpur
4. Shikindar Kumar Son of Dwarika Thakur Ward Sachiv, Ward No.15, Panchayat Raj Mohammadpur, Mahmada, Resident of Vill.-Bhagwanpur, P.S.-Baruraj, Distt.-Muzaffarpur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-02-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The accused-petitioners, named in the F.I.R., are apprehending their arrest in connection with G.R. No. 4303/2022 arising out of Baruraj P.S. Case No. 254 of 2022 registered for the offences punishable under Sections 409/34 of the Indian Penal Code. They have no criminal antecedent as stated in paragraph '3' of the application.

3. Allegation against these petitioner is to defalcate the interested cash of Rs. 15 Lakhs each for Ward No. 14 and 15



falls under Panchayat Mahmada, Block-Motipur, District – Muzaffarpur for execution of work under Nal Jal Yojana being representative of local body as Panchayat Adhyaksha and Ward Sachiv.

4. It is submitted by learned counsel appearing on behalf of the petitioners that the petitioners issued cheque to contractor before lodging the present F.I.R., but out of negligence of said contractor, work in issue was not executed satisfactorily at ground level.

5. It is pointed out that for said unsatisfactory performance of contractor, petitioners lodged a criminal case, whereafter concerned contractor was arrested. Consequent upon after one year, for no reason, the present case has been lodged against the petitioners. It is submitted that the petitioners are bonafide executors of the government policy being local elected representative and the amount entrusted with them duly advanced to contractors and, as such *prima-facie* no case under section 409 of the I.P.C. made against petitioners.

6. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

7. In view of the aforesaid factual submission as the amount in issue already paid to contractor much prior to lodging



the F.I.R., accordingly, all above-named petitioners, in the event of their arrest/surrender within a period of four weeks from today, are directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate - 1st Class, Muzaffarpur (West) in connection with G.R. No. 4303/2022 arising out of Baruraj P.S. Case No. 254 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and further condition that:

(I) Accused/petitioners shall cooperate in course of trial and shall be physically present on each and every date before the trial court till conclusion of trial and exemption from physical appearance be allowed by the trial court only on medical ground of the petitioners duly supported by the documents.

(II) One of the bailors shall be the family members/close relative of the petitioners.

(Chandra Shekhar Jha, J.)

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