

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15285 of 2024

Arising Out of PS. Case No.-66 Year-2021 Thana- GHANSHYAMPUR District- Darbhanga

MD. ISHAHAQUE RAIN S/O- BUDHA RAIN R/O- VILLAGE-
BHUDHEB, P.S.- GHANSHYAMPUR, DIST.- DARBHANGA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR, PATNA

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 16655 of 2024

Arising Out of PS. Case No.-66 Year-2021 Thana- GHANSHYAMPUR District- Darbhanga

1. SHARWAN KUMAR SAHU S/O SRI LAXMI NARAYAN SAH R/O-
VILLAGE- KUMARAUL, P.S.- GHANSHYAMPUR, DIST.-
DARBHANGA.
2. BUCHCHIDAY DEVI W/O- RAMPRASAD YADAV R/O- VILLAGE-
KUMARAUL, P.S.- GHANSHYAMPUR, DIST.- DARBHANGA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 15285 of 2024)

For the Petitioner/s : Mr.Ajay Kumar, Adv.

For the Opposite Party/s : Mr.Braj Kishore Pd., APP.

(In CRIMINAL MISCELLANEOUS No. 16655 of 2024)

For the Petitioner/s : Mr.Ajay Kumar, Adv.

For the Opposite Party/s : Mr.Braj Kishore Pd., APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 21-06-2024 As both these bail applications have cropped up from the

same police station case number, hence, with consent of parties,

they are being heard together and disposed of by this common

order.

2. Heard learned counsel for the petitioners and learned



A.P.P. for the State.

3. The petitioners apprehend their arrest in a case registered for the offences punishable under Section 409 of the Indian Penal Code.

4. The prosecution case, in brief, is that the Block Development Officer-cum-Executive Officer, Ghanshyampur submitted a written application to the S.H.O., Ghanshyampur alleging that in course of enquiry, it was found that the work in relation to the Jal-Nal Yojana of Ward No. 02, 03, 04, 06 was found to be incomplete and of inferior quality. It was further alleged that money was transferred in the account of ward execution and management committee, but the work was still incomplete in violation of departmental guidelines.

5. It is submitted by learned counsel for the petitioners that the petitioners are quite innocent and they have committed no offence. Petitioner, namely, Md. Ishahaque Rain is ward member of Ward No.6, whereas the petitioners, namely, Sharwan Kumar Sahu and Buchchiday Devi are Ward Sachiv of Ward No. 6 and Ward Member of Ward No. 3, respectively. No such occurrence as alleged has ever taken place. Petitioners have been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioners is totally false and based on concocted facts. They are not named in the FIR. The real fact is



that the present case has been lodged out of personal grudge. It is further submitted that in course of hearing of the anticipatory bail application of the Mukhiya, a report was called for and the same was submitted vide letter no. 1382 dated 13.09.2021 by the Block Development Officer, Ghanshyampur stating that the work has already been completed. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

6. Learned APP for the State opposes the prayer for bail.

7. Having regard to the facts and circumstances of the case, as well as considering the report submitted by the Block Development Officer vide letter no. 1382 dated 13.09.2021, the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Ghanshyampur P.S. Case No. 66 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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