

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21631 of 2024

Arising Out of PS. Case No.-75 Year-2023 Thana- KHIRHAR District- Madhubani

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1. RAM SHRESTH KAMAT SON OF NARESH KAMAT R/O-KHIRHAR, P.S.-KHIRHAR, DISTT.-MADHUBANI
 2. RAGHBENDRA KUMAR THAKUR SON OF VINOD THAKUR R/O-KHIRHAR, P.S.-KHIRHAR, DISTT.-MADHUBANI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioners : Mr. Vinay Ranjan, Advocate
For the State : Mr. Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 04-07-2024 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 409, 420 and 34 of the Indian Penal Code.

3. As per prosecution case, Rs. 15,00,000/- was allotted to Ward No. 9 for execution of work under Nal Jal Yojana out of which work of only Rs. 12,09,081/- was shown. Subsequently, vide Memo No. 193 dated 11.05.2023, it was alleged that against the advance allotted fund of Rs. 15,00,000/-, work of only Rs. 5,82,021/- was executed and thus, the rest of the amount was misappropriated by these petitioners.

4. It is submitted by learned counsel appearing on



behalf of the petitioners that at the relevant time, Petitioner No. 1 was ward member and Petitioner No. 2 was ward sachiv. It is further submitted that the petitioners have been falsely implicated in this case only on suspicion. As a matter of fact, during execution of the work, the Junior Engineer was transferred in due course and when the work was being executed, the new incumbent Junior Engineer demanded bribe and when the petitioners refused, in conspiracy with the Mukhiya, he did not bring the second measurement book and thus, without considering the second measurement book, this false and concocted case has been lodged. The petitioners have brought on record the entire measurement book by way of supplementary-affidavit and on the basis of the same, it is submitted that out of the allotted fund of Rs. 15,00,000/-, petitioners have already executed work of Rs. 14,94,981. Petitioners claim clean antecedents.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioners.

6. Considering the aforesaid facts and circumstances, nature of accusation and clean antecedents of the petitioners, the prayer for grant of anticipatory bail to the petitioners is allowed.



7. Accordingly, in the event of arrest/surrender within a period of six weeks from today, let the above named petitioners be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Benipatti, Madhubani, in connection with Khirhar P.S. Case No.75 of 2023, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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