

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24238 of 2024

Arising Out of PS. Case No.-43 Year-2023 Thana- KOTWA District- East Champaran

Parvez Alam Son of Islam Miya Village- Maharani Bhopat, P.S.- Kotwa,
District- East Champaran at Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 29-04-2024 Heard learned counsel for the petitioner and learned
APP for the State

2. The petitioner apprehends his arrest in connection with Kotwa P.S Case No. 43 of 2023 registered for the offences punishable under Sections 409 and 420 of Indian Penal Code.

3. As per the prosecution case, is that the present F.I.R. has been registered on the basis of the letter No. 11 dated 08-02-2023 of Panchayat Sachiv, Gram Panchayat Raj Maharani Bhopat, Block- Kotwa, East Champaran stating therein that Technical Assistant-cum- Junior Engineer has reported that this petitioner-accused Parvez Alam, Ex-Ward Sachiv and Ex-Ward Member of Ward No.-06 of Gram Panchayat Raj, Maharani Bhopat had withdrawn all the amount, but they have not



completed the work of Nal-Jal Yojana worth Rs. 11, 37, 995/- and in this way, this petitioner- accused and co-accused have misappropriated and embezzled the aforesaid government money.

4. Learned counsel for the petitioner submits that petitioner has been falsely been implicated in this case. It is next submitted that petitioner has got no criminal antecedent as stated in para 3 of the bail petition.

5. Learned counsel for the State opposes the prayer for bail of the petitioner.

6. On perusal of the FIR, impugned order and no objection certificate dated 23.11.2023, it appears that total of Rs. 1759446.00 as per measurement of work was expended in the work, the remaining amount of Rs. 40,554.00 has been deposited in the account no. 3649911097 of the ward through bank account and with regard to allegation against the petitioner of defalcation of Government money, it appears that the informant has issued no objection certificate to the petitioner and co-accused persons.

7. Considering the aforesaid facts and circumstances of the case, submissions made on behalf of the petitioner, let the above named petitioner be released on **provisional bail** in the



event of his arrest or surrender before the trial court within a period of six weeks from today on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Kotwa P.S Case No. 43 of 2023 subject to the condition laid down under Section 438(2) of Cr.P.C.

8. Further, the trial court **shall confirm the provisional bail of the petitioner** after verification and the authenticity of the no objection certificate dated 23.11.2023 issued by the Panchayat Secretary and also verify that whether the petitioner has properly completed the entire work and has returned the remaining amount to the ward, and the verification shall be completed within a period of three months from the date of furnishing of bail bond for provisional bail.

(Ramesh Chand Malviya, J)

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