

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31725 of 2023

Arising Out of PS. Case No.-10 Year-2021 Thana- LADAIYATAR District- Munger

1. Ganesh Sah, S/O Kapuri Sah Resident Of Village-Mahgama, P.S.-Laraiya Tand, Distt-Munger
2. Bachandev Sah, S/O Bindeshwari Ram Resident Of Village-Mahgama, P.S.-Laraiya Tand, Distt-Munger
3. Ashok Kumar Das @ Ashok Das, S/O Late Babulal Das Resident Of Village-Mahgama, P.S.-Laraiya Tand, Distt-Munger

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Kamal Nayan
For the Opposite Party/s : Mr.Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 13-02-2024 1. Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 406, 409, 419, 420, 467, 468, 120(B) and 34 of the Indian Penal Code.

3. The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and have been falsely implicated in the instant F.I.R. based on false and frivolous allegation. It is next submitted that petitioner no.1 is Ward Secretary of Ward No.4, petitioner no.2 is Ward Secretary



of Ward No.5 and petitioner no.3 is Ward Secretary of Ward No.9. It is further submitted that the informant instituted the instant F.I.R. alleging that under Nal-Jal Yojna, the work was not carried out as per specification and there was defalcation of money.

4. The learned counsel for the petitioners draws the attention of the Court to Pages-55, 56 and 58 of the anticipatory bail application to submit that from perusal of the report of the Executive Engineer, MGNREGA, it would manifest that the work of Ward Nos.4 and 5 were found to be satisfactory and with respect to work of Ward No.9, it has been recorded that there were certain technical flaws committed while implementing the scheme. It is thus submitted that as far as Ward No.s4 and 5 are concerned, the work was found satisfactory, as such, it cannot be alleged that petitioners, in any manner, were involved in the occurrence as alleged in the F.I.R. and as far as Ward No.9 is concerned, it is submitted that if there was any technical infirmity in implementing the scheme, the petitioners, being a non-technical person cannot be faulted.

5. Learned A.P.P. opposes the bail application.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the



event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Sri Vishwajeet Kumar, the learned Judicial Magistrate, 1st Class, Munger in connection with Laraiya Tand P. S. Case No.10 of 2021, G.R. No.386 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

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