

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43489 of 2023

Arising Out of PS. Case No.-168 Year-2013 Thana- DHARHARA District- Munger

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Gajendra Kumar Singh Son Of Late Bhubneshwar Prasad Singh Resident Of
Baltara, P.O. - Phulwariya, P.S. - Gogari, Distt. - Khagaria

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjeev Ranjan
		Ms. Aastha Ananya
For the Opposite Party/s :		Mr. Madhura Nand Jha

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

7 29-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 406, 409, 467, 468, 471, 420/34 of the Indian Penal Code.

3. As per the prosecution case, the F.I.R. named accused persons are involved in committing irregularity and misusing of the amount of Government scheme with regard to construction of road.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He submits that



though the F.I.R. was lodged in the year 2013 and the petitioner was not named in the F.I.R., but in the supplementary case diary petitioner is made accused in this case. Similarly situated co-accused has been enlarged on bail by a co-ordinate bench of this court vide order dated 04.07.2023 passed in Cr. Misc. No. 10476 of 2023. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes prayer for anticipatory bail and submits that with respect of Scheme No. 12/2010-11 estimated cost is of Rs. 4,65,500/-, the total amount of withdrawal is Rs. 3,74,584 whereas the work has been done of Rs. 1,13,000/- only, therefore, there is a defalcation and misappropriation of Rs. 2,61,584 in this scheme. He further submits that with respect to Scheme No. 18/2010-11 estimated cost is of Rs. 4,30,000/- whereas work has been done of Rs. 2,00,000/- only.

6. Considering the facts and circumstances of the case, argument of the parties, the F.I.R. was lodged in year 2013 later on he was made accused in the present case, there is delay in filing the present case and the fact that similarly situated co-accused has been granted anticipatory bail, let the above named petitioner, be released on bail, in the event of his 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) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Dharhara P.S. Case No. 168 of 2013, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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