

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42213 of 2023

Arising Out of PS. Case No.-570 Year-2022 Thana- SHAHPUR PATORI District- Samastipur

1. Vijay Choudhary S/O Late Suresh Choudhary @ Suresh Prasad Choudhary R/O Village And P.O- Chandpura, Ward No. 13/14, Ps. Patori, Dist. Samastipur
2. Sanjit Kumar Choudhary S/O Kameshwar Choudhary R/O Village And P.O- Chandpura, Ward No. 13/14, Ps. Patori, Dist. Samastipur
3. Murali Baitha @ Murari Baitha S/O Late Jaimangal Baitha R/O- Ward No. 13, Village And P.O- Chandpura, Ps. Patori, Dist. Samastipur
4. Sundeshwar Ram S/O Pradeep Ram R/O- Ward No. 13, Village And P.O. Chandpura, Ps. Patori, Dist. Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Ranjan

For the Opposite Party/s : Mr. Anil Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 08-02-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in Patori P.S.
Case No. 570 of 2022 registered for the offences punishable
under Sections 420, 406, 409, 379 of the Indian Penal Code
pending in the Court of learned J.M. 1st Class, Samastipur.

3. The prosecution case, in brief, is that there were
irregularities found in implementation of schemes at village
Panchayat Raj Chaksaho, Ward No. 13 and 14 in Shahpur
Patori, and the work was not done pursuant to the estimate.

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 the work had already been completed in the year 2018 and the F.I.R. was lodged in the year 2022, after delay of about 4 years. The petitioner no. 1 has two criminal antecedent, petitioner no. 2 has no criminal antecedent and petitioners no. 3 and 4 have one criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes the prayer for anticipatory bail and, by way of a counter affidavit, submits that the petitioner no. 1 has three criminal antecedents but in the bail application it is mentioned that petitioner no. 1 has only two criminal antecedent. He further submits that after lodging the F.I.R., the Investigating Officer has investigated the case and S.D.P.O., Patori, supervised the case and found the case true against the petitioners. He also submits that the thickness of road is ought to have 8 inches according to measurement book but the petitioner constructed the road of less than 3 inches.

6. Considering the facts and circumstances of case and the nature of the offence, I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected.

(Anjani Kumar Sharan, J)

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