

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43433 of 2024

Arising Out of PS. Case No.-328 Year-2023 Thana- GOPALGANJ TOWN District-
Gopalganj

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1. Shailesh Kumar Gupta S/O Late Dayanand Gupta Resident of village Sukulwan Khurd, P.S. and Distt-Gopalganj
 2. Sanju Kumari D/O Ramekbal @ Raj Kishor Singh Resident of village Sukulwan Khurd, P.S. and Distt-Gopalganj
 3. Jaida Khatoon W/O Gaysuddin Resident of village Indrawan Bairam, P.S. and Distt-Gopalganj
 4. Raj Kishore Ram S/O Shri Sankar Ram Resident of village Indrawan Bairam, P.S. and Distt-Gopalganj
 5. Raibun Nesha W/O Irshad Ahamad Resident of village Indrawan Bairam, P.S. and Distt-Gopalganj
 6. Julekha Khatoon W/O Nurul Hoda Resident of village Indrawan Bairam, P.S. and Distt-Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiv Sager Sharma
For the Opposite Party/s : Mr. Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 29-07-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.
2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 420 and 409 of the Indian Penal Code.
3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and have been falsely implicated in the instant case by the informant who is B.D.O. It is next submitted that the informant alleges that the



accused persons including the petitioners misappropriated government money.

4. The learned counsel for the petitioners submits that petitioners being ward members came to be implicated in the instant case by the informant with an allegation that under the *Nal Jal Yojna*, an amount of Rs. 16 Lakhs was earmarked out of which Rs. 14 Lakhs was withdrawn, but then the work was not completed. The learned counsel next submits by placing reliance on Annexure-2 to the anticipatory bail application which is the M.B. Book which shows that work worth Rs. 14,38,000/- has been completed. It is, thus, submitted that had a proper inquiry been conducted prior to instituting the instant FIR, perhaps the FIR would not have been instituted, but the B.D.O. in haste instituted the instant FIR. The learned counsel further submits that petitioners will not abscond rather will co-operate in the investigation to prove their innocence.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

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 trial court within a period of six weeks from today, be released on



anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Gopalganj P.S. Case No. 328 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that petitioners despite giving assurance to this Court are not co-operating in the investigation or not presenting themselves as and when required, in that event the learned Trial Court shall be at liberty to forthwith cancel the bail bonds of the petitioners after recording reasons.

8. Let a copy of this order be sent to the concerned P.S. through the learned Trial Court.

9. Accordingly, the instant anticipatory bail application stands allowed.

(Satyavrat Verma, J)

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