

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60829 of 2024

Arising Out of PS. Case No.-124 Year-2017 Thana- PIPRAHI District- Sheohar

Rahul Kumar, Son of Late Binay Krishna Shah, village- Chowk Shikarpur
Nala, Kahartoli Gali, Mahabir Asthan Lane, P.O. Begumpur, P.S.- Chowk,
Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Sinha, Advocate.

For the Opposite Party/s : Mr.Ram Sevak Choudhary, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 13-12-2024 Heard Mr. Ajit Kumar Sinha, learned counsel
appearing on behalf of the petitioner and Mr. Ram Sevak
Choudhary, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Piprahi P.S. Case No. 124 of 2017 registered for the offence(s) punishable under Sections 409, 406, 419, 420, 468, 471, 120(B)/34 of the Indian Penal Code.

3. As per the allegation made in the FIR, public money was misappropriated by the accused persons named in the FIR, which was allocated for construction of toilets in Gram Panchayat, Abhirajpur, under the scheme of Swaccha Bharat Mission (Grameen) and Lohiya Swaccha Yojana for the purpose of construction of 3065 toilets. Petitioner is also involved in the



said misappropriation.

4. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is innocent and has falsely been implicated in the present case. The allegation relates to misappropriation of funds in construction of government toilets under Pradhanmantri Swachh Bharat Abhiyan. The petitioner who was posted as Assistant Engineer has not issued the work satisfaction certificate rather the same has been issued by the Junior Engineer namely Rajnish Kumar to the extent that in case of any defect or any substandard work, he will be responsible for the same. Petitioner has clean antecedent.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail.

6. In the facts and circumstances of the case, the petitioner who was posted as Assistant Engineer at the relevant time has not issued the work completion certificate rather the same has been issued by the Junior Engineer to the effect that he will be responsible for any shortfall in the work by giving certificate to the petitioner after giving full satisfaction that the work has been completed in proper manner. In similar circumstances, I have also granted bail to one co-accused Anil



Kumar vide order dated 19.03.2024 passed in Cr. Misc. No. 84171 of 2023. The petitioner has, *prima facie*, made out a case to be released on bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Sheohar, Bihar in connection with Piprahi P.S. Case No. 124 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. With the aforesaid observation/direction, the bail application stands disposed of.

(Purnendu Singh, J)

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