

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58458 of 2024

Arising Out of PS. Case No.-478 Year-2019 Thana- SAHPUR District- Patna

Rama Shankar Rai @ Rama Shankar son of Sanchit Ray Biscit Factory More,
Nasriganj MS ITI Danapur Ps- Danapur Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh, Adv.

For the Opposite Party/s : Mr.Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 04-10-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case in connection with Shahpur P.S. Case No. 478 of 2019 dated 27.11.2019 registered for the offences punishable u/ss 406, 409, 420 read with section 34 of the Indian Penal Code.

3. As per the prosecution case, on 05.05.2018, Mukhiya of Gram Panchayat Patlapur namely Sunita Kumari and her husband namely Gobind Rai called the informant in his house and told the Ward Consellor that all the government money which is received for *Nal Jal Yojna* in favour of the petitioner for the purpose of executing the work in *Nal Jal Yojna* because the petitioner is the proprietor of R.S. Enterprises



Pvt. Ltd. for carrying out work of *Mukhya Mantri Sat Nischay Yojna*. It is specifically written in the deed Ekrarama that the petitioner would be paid money as per the percentage of completion of work. It is further alleged that the petitioner in conspiracy with the other co-accused person without work being completed got the amount transferred in his own account and embezzled the government fund and later they refused to complete the remaining work of the said Yojna.

4. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. It is further submitted that after receiving the money by the informant, the petitioner started the work in Nal Jal Yojna in the said Gram Panchayat and the total work of Nal Jal Yojna has been completed in the year 2020 and the District Magistrate, Patna issued Letter No. V-1A/22-3144 dated 17.12.2022 stated that the aforesaid work has already been completed by the petitioner. The petitioner has not embazzled the government money and no any government money transferred in the account of the petitioner by the informant and Ward Consellers so the petitioner is not beneficiary of the alleged money. It is further submitted that the petitioner has no concern with the alleged recovery. The co-accused person has already been granted



anticipatory bail by this court vide order dated 24.01.2023 passed in Cr. Misc. No. 22938 of 2022. The petitioner has no criminal antecedent as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Patna in connection with Shahpur P.S. Case No. 478 of 2019, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

Gautam/-

U		T	
---	--	---	--

