

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66617 of 2023**

Arising Out of PS. Case No.-179 Year-2023 Thana- ATRI District- Gaya

Indu Bhushan Prasad Son Of Radha Mohan Prasad The Then Panchayat Secretary, Block-Mohara, Resident Of Mohalla-Maranpur, Bypass Road, Near Bsnl Tower, P.S.-vishnupad, District-Gaya.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 61865 of 2023

Arising Out of PS. Case No.-179 Year-2023 Thana- ATRI District- Gaya

Sambhu Chaudhary Son Of Munni Chaudhary Resident Of Village- Nima, Ps-Magadh Medical, Distt- Gaya

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 66617 of 2023)

For the Petitioner/s : Mr. Anuj Kumar, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

(In CRIMINAL MISCELLANEOUS No. 61865 of 2023)

For the Petitioner/s : Mr. Amit Srivastava, Sr. Adv.

Mr. Shankar Kumar Thakur, Adv.

Ms. Remy Kumari, Adv.

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 22-01-2024 As both these bail applications have cropped up from the same police station case number, hence, with consent of parties, they are being heard together and disposed of by this common order.

2. Heard learned Senior Counsel for the petitioners



and learned A.P.P. for the State.

3. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 409, 419, 420/34 of the Indian Penal Code.

4. As per the prosecution case, irregularities were found in rural engineering work and the petitioners and other co-accused persons were made accused on allegation that they were involved and helped beneficiary contractor in getting no objection certificate with regard to due completion of the allotted work.

5. Learned Senior Counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. He submits that the petitioner of Cr. Misc. No. 66617 of 2023 is Panchayat Secretary and Petitioner of Cr. Misc. No. 61865 of 2023 is B.D.O. and there is no role of the petitioners in helping the contractor in getting Rs. 34,11,237/-. He further submits that Mukhiya has been granted anticipatory bail by the learned Court below and co-accused has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 20.12.2023 passed in Cr. Misc. No. 65409 of 2023. He also



submits that Government has also filed a Certificate Case against the accused persons including the petitioners, which was pending in the concerned Court, this fact is mentioned in para-22 of Cr. Misc. No. 61865 of 2023. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

6. Learned APP for the State opposes prayer for anticipatory bail.

7. Considering the facts and circumstances of the case and the fact that the Government has already filed a Certificate Case against the petitioners, let the above named petitioner, be released on bail, in the event of their 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) each 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 Arti P.S. Case No. 179 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

anand/-

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