

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66476 of 2023**

Arising Out of PS. Case No.-276 Year-2023 Thana- GOPALGANJ TOWN District-
Gopalganj

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Kam Raj, S/O Late Mahendra Ram, R/O Village- Chandra Hatti, P.S. Kudhani, Dist. Muzaffarpur, at present Junior Engineer, Sarwa Shiksha Abhiyan, Kateya Block, P.S. Kateya Dist. Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Avnish Kumar Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 27-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Gopalganj (Nagar) P.S. Case No. 276 of 2023 registered for the alleged offences under Sections 409, 420 and 120(B) of the Indian Penal Code.

3. As per prosecution case, large number of irregularities were found in 'Nal Jal Scheme' of the government in Ward Nos. 5, 8, 9 and 12 of Gram Panchayat Raj Semra. The petitioner, who is Junior Engineer, was also found involved and the allegation against him is that he gave wrong certificates for completion of work enabling other co-accused persons to defalcate the amount of the government fund.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. The allegation against the petitioner is based on measurement book that he mentioned about connection of 208 households, but during physical verification, only 60 households were found where Nal Jal Scheme was completed. But the custodian of the said measurement book is the Ward Secretary and the signature of the petitioner was forged on that measurement book for which the petitioner gave an application to the Superintendent of Police, Gopalganj on 17.04.2023. The learned counsel further submits that the petitioner has got no concern with Ward Nos. 8, 9 and 12 and he was only concerned with Ward No.5. The learned counsel further submits that without going into dispute, being a government employee, the petitioner is ready to deposit 1/4th of the defalcated amount of Ward No.5, which comes to Rs.55981/- in the government account without prejudice to his rights.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the possibility of false implication and further considering the willingness of the petitioner to deposit aforesaid amount of Rs.55,981/-, let the petitioner, above named, in the event of his



arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj, in connection with Gopalganj (Nagar) P.S. Case No. 276 of 2023, subject to condition that **the petitioner will deposit the aforesaid amount of Rs.55,981/- in the account of the State Government and file a receipt thereof before the learned court below at the time of furnishing his bail bond** and further conditions mentioned in Section 438(2) of the Cr.P.C. and the following conditions::

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

However, it is made clear that this payment is subject to final outcome of the case against the petitioner.

(Arun Kumar Jha, J)

V.K.Pandey/-

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