

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72123 of 2023

Arising Out of PS. Case No.-670 Year-2022 Thana- BARHARA District- Bhojpur

Shankar Dayal Pandey S/O Sri Kamta Pandey R/O Village- Chain Chhapara,
P.S- Barahara, Distt.- Bhojpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 07-03-2024 Heard Mr. Raju Kumar Singh, learned counsel for
the petitioner and Mr. Parmeshwar Mehta, learned APP for the
State.

2. The petitioner is apprehending his arrest connection with Barahara P.S. Case No. 670 of 2022, F.I.R. dated 17.09.2022 registered for the offences punishable under Sections 409, 420 of the Indian Penal Code.

3. According to prosecution case, certain irregularities were found in the work of construction of road etc. under the various Scheme.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the



petitioner has not committed any offence as alleged in the F.I.R. He further submits that the petitioner is Secretary of Ward No. 3 and the co-accused namely Binod Pandey is a member of Ward No. 3 of Ward Creation and Management Committee and they have received the amount for completing the work in question with respect to the work in Yojna No. 36 of 2019-2020 and as per the measurement book the petitioner has completed the work in question of a tune of Rs. 9,19,705/- and the project amount of Scheme was Rs. 9,21,700/- and the Junior Engineer has submitted the said measurement book before the competent authority without verifying the genuineness of the facts and the present F.I.R. was instituted against the petitioner and other similarly situated persons. He further submits that co-accused person Binod Pandey @ Sri Binod Pandey has been granted anticipatory bail by this Court vide order dated 22.02.2024 passed in Cr. Misc. No. 9904 of 2024, another co-accused person namely Chandan Kumar has been granted anticipatory bail by a Coordinate Bench of this Court vide order dated 26.07.2023 passed in Cr. Misc. No. 35146 of 2023.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the



case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M. Bhojpur at Ara in connection with Barahara P.S. Case No. 670 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the



acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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