

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74971 of 2023

Arising Out of PS. Case No.-301 Year-2022 Thana- SHEKHPURA District- Sheikhpura

AVINASH KUMAR@AVNISH KUMAR S/O ISHWAR PRASAD
VILLAGE- PAIN, PS. SHEIKHPURA, DISTT. SHEIKHPURA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Kumari Anupam, Advocate

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 05-03-2024 Heard Ms. Kumari Anupam, learned counsel for the
petitioner and Mr. Ram Naresh Ray, learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Sheikhpura P.S. Case No. 301 of 2022 for the offence under Sections 419, 420, 406 and 34 of the I.P.C. lodged on 01.06.2022 by the informant, Akhilesh Kumar.

3. As per the prosecution story, the informant has alleged that under the 'Nalkup Yojna', Rs. 15,98,500/- was taken by the petitioner as also the ex-Panchayat Secretary, Madan Paswan but the work was not done, and thereafter, on the direction of the District Magistrate, Sheikhpura, a joint inquiry was done by the DCLR, Sheikhpura and the Executive Engineer PHED, Sheikhpura whereafter having found that no work has been done, the present FIR has been lodged.



4. Learned counsel for the petitioner submits that due to confusion, the case has been lodged and in any case, pursuant to the last order of the coordinate Bench, as earlier Rs. 3,50,000/- was deposited in the State account on 29.09.2023, on 11.12.2023 and 15.12.2023 Rs. 3,80,000/- and Rs. 3,50,000/- were deposited in the Government Transaction Account and this has been brought on record by way of supplementary-affidavit as Annexure-A.

5. A copy of the supplementary-affidavit has been provided to the learned APP and according to him, whether the account number is of the Government Agency or not is unclear.

6. In view of the categorical statement made by learned counsel for the petitioner that the amount of Rs. 10,80,000/- has been deposited by him, Rs. 3,30,000/- has been deposited by Madan Paswan as also Rs. 22,500/- by Indradeep Prasad who have been extended the privilege of anticipatory bail, this Court also follows the same route by extending him provisional relief of two months but with the direction that the concerned Court before execution of the bail bond shall confirm whether the Rs. 10,80,000/- that the petitioner has deposited in three different transactions has actually gone to the account of the Government as claimed. If it is found that the amount has



reached the Government Account, the bail shall be confirmed failing which the provisional bail presently granted to the petitioner shall cease to have effect after two months.

7. Let the petitioner be released on provisional bail for a period of two months in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned CJM, Sheikhpura in connection with Sheikhpura P.S. Case No. 301 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;



(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

8. Cr. Misc. No. 74971 of 2023 stands disposed of.

(Rajiv Roy, J)

Adnan/-

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