

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80918 of 2023

Arising Out of PS. Case No.-303 Year-2018 Thana- DALSINGHSARAI District- Samastipur

Manish Kumar Singh S/O Rajeew Ranjan Singh Resident Of Athamaha,P.O.-
Ranikutta,Ps.Amarpur, Dist. Banka.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manisha Singh

For the Opposite Party/s : Mr.Bharat Bhushan

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

3 07-03-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends arrest in connection with Dalsinghsarai P.S. Case No. 303 of 2018 dated 13.10.2018, instituted for the offence punishable under Sections 409, 419 and 420 of the Indian Penal Code.

3. The case of prosecution, in short, is that the informant was a Ward Chairperson, Ward No.9 working Management Committee alleged that the petitioner was assigned work under the Government scheme of Nal Jal Yojana and when allotted work, the amount was given to the petitioner to different cheques as stated in the F.I.R., total amount of Rs. 25 lakh were allotted to the petitioner. It is further alleged that the petitioner did not complete the allotted work even after several reminders through the notices by the informant.



4. Learned senior counsel for the petitioner, Mr. A.K. Singh has submitted that the petitioner is innocent and he has been falsely implicated in this case. It is submitted that the petitioner is the supplier of the hardwares and the petitioner was given Rs. 25 lakh in advance via different modes of transaction. It is submitted that the petitioner had supplied the goods worth Rs. 35 lakh for the work of four Wards i.e. 8, 9, 12 and 14. Tax invoices has already been annexed as Annexure-P(2) series. It is further submitted that measurement book prepared by the Junior Engineer and checked by Assistant Engineer concerned, which clearly states that work has been completed and the final measurement in Ward No.9 has been mentioned by the Junior Engineer amounting to Rs. 26,18,461/- on the entire construction. It is further submitted that the petitioner has already spent more than Rs. 8 lakh on the instruction as alleged misappropriation of funds of alleged 25 lakh in the year 2017-18. Further, it is submitted that the petitioner was responsible only to supply equipments and mentioned that he had never executed any agreement rather it was informant himself who was the person concerned for completion of the work. The nature of allegation is of civil nature between the parties. Lastly, it is submitted that the petitioner has three



criminal cases against him and he is on bail in all the cases.

5. A counter affidavit has been filed by the State but there is no representation on behalf of the State. There is no mentioning about the measurement book which was prepared by the Official of the Government and also not denied the averments made in the bail application.

6. Learned A.P.P. has opposed the prayer for bail of the petitioner.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Dalsinghsarai P.S. Case No. 303 of 2018 he shall be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M, Dalsinghsarai, Samastipur, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

Guddu/-

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

