

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82924 of 2023

Arising Out of PS. Case No.-170 Year-2023 Thana- ARA MUFFSIL District- Bhojpur

CHANDRA KISHOR SINGH SON OF LATE KAMESHWAR SINGH R/O
VILLAGE- DARIYAPUR, P.S.- ARA MUFASSIL, DISTRICT- BHOJPUR.
AT PRESENT WARD SECRETARY, WARD NO.12 OF GRAM
PANCHAYAT BAGHI PAKAR, P.S.- ARA MUFFASIL, DISTRICT-
BHOJPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 80283 of 2023

Arising Out of PS. Case No.-170 Year-2023 Thana- ARA MUFFSIL District- Bhojpur

PRABHU NATH SHUKLA S/o Kashi Nath Shukla R/o village- Sukalpura,
P.S.- Ara Mufassil, District- Bhojpur. At present Ex-Ward Secretary, Ward
No.-9 of Baghi Pakar Gram Panchayat, P.S.- Ara Muffasil, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 82924 of 2023)

For the Petitioner/s : Mr. Ashok Kumar Singh, Adv.

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

(In CRIMINAL MISCELLANEOUS No. 80283 of 2023)

For the Petitioner/s : Mr. Ashok Kumar Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

5 25-06-2024

Cr. Misc. No.82924 of 2023

1. Heard learned counsel for the petitioner and learned

A.P.P. for the State Mr. Ravindra Kumar.

2. The petitioner apprehends his arrest in a case

registered for the offences punishable under Sections 406, 409



and 420 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and has been falsely implicated in the instant case by the informant. It is next submitted that the informant alleges that under the Potable Pipe Water Supply Scheme, including tap water household connection, an amount of Rs. 10 lacs was transferred in the joint account of petitioner and Ramakant Paswan for completing the said scheme in Ward No. 12A at Baghipakar, however, the work was not completed as per the allegation as alleged in the FIR, hence it is alleged that the amount was misappropriated. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the informant himself accepts that part of the work was done, but then does not disclose for what amount the work was done and how much work is still left, it is submitted that for this reason, the Court had directed the District Magistrate to file a counter affidavit, wherein it was specifically recorded that the counter affidavit shall disclose as to whether the work relating to Chief Minister Gramin Pay Jal Nischay Yojna has been completed or not, and if not then what amount has been siphoned off by the accused persons. It is submitted that in compliance of the order of this Court, a



counter affidavit has been filed on behalf of the District Panchayat Raj Officer but then the contents of the counter affidavit is cryptic and does not disclose that as to what amount has been siphoned off. It is further submitted that petitioner has nearly completed the work, some work of connection of pipe is still left but since the work allotted exceeded the amount which was credited in the joint account of the petitioner as recorded hereinabove, as such, the work could not be completed in time but then petitioner assured that he will complete the left out work, which remains to be completed as per the measurement book.

4. Learned A.P.P. for the State Mr. Ravindra Kumar opposes the prayer for anticipatory bail of the petitioner.

5. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Arrah Mufassil P.S. Case No. 170 of 2023, subject to the conditions as laid



down under Section 438 (2) of the Cr.P.C.

Cr. Misc. No.80283 of 2023

1. Heard learned counsel for the petitioner and learned A.P.P. for the State Mr. Ravindra Kumar.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 406, 409 and 420 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that similarly situated co-accused has been granted the privilege of anticipatory bail by order dated 25.06.2024 in Cr. Misc. No.82924 of 2023 (Chandra Kishor Singh Vs. the State of Bihar). It is next submitted that the case of the petitioner is not akin is similar to the case of Chandra Kishor Singh.

4. Learned A.P.P. for the State Mr. Ravindra Kumar opposes the prayer for anticipatory bail of the petitioner.

5. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case



is pending/successor court in connection with Arrah Mufassil
P.S. Case No. 170 of 2023, subject to the conditions as laid
down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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