

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2057 of 2024

Arising Out of PS. Case No.-196 Year-2022 Thana- CHACKMEHSI District- Samastipur

Sanjeet Kumar S/O Khobhari Ray, r/o Village- Kalaunjar, Ward No. 6,
Kalyanpur, PS. Chakmehsi, Distt. - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Jha, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 16-04-2024 Heard Mr. Rakesh Kumar Jha, the learned counsel
for the petitioner and Mr. Bhanu Pratap Singh, the learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Chakmehsi PS Case No. 196 of 2022, FIR
dated 20.11.2022, registered for the offences punishable under
Sections 406, 409, 420, 467, 468 and 471 read with Section 34
of the Indian Penal Code.

3. According to prosecution case, the petitioner and
co-accused Smt. Sushila Devi have withdrawn Rs. 4,00,000/-
(Rupees four lakhs) for execution of work of Rural Drinking
water under the Chief Minister Seven Guarantee Scheme in
Ward No. 6 of Kalaunjar Panchayat, but no work was done and
later the same work was entrusted to other co-accused persons



in place of the petitioner, for whom further fund to the tune of Rs. 11,50,000/- (Rupees eleven lakhs and fifty thousand) was allotted. It is further alleged that work has only been done for Rs. 3,29,565/- (Rupees three lakhs twenty-nine thousand five hundred and sixty-five).

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that in fact, the petitioner is Ward Secretary of the Ward in question and the work in question was entrusted jointly to the petitioner and co-accused namely, Sushila Devi, who is the Chairman of the Ward and it appears from the record that the Ward of the petitioner has received Rs. 4,00,000/- (Rupees four lakhs) on 20.01.2020 and on the same date Rs. 3,50,000/- (Rupees three lakhs and fifty thousand) was transferred in the account of the supplier and co-accused Sushila Devi has stated in the paragraph 30 of the case diary that due to interference of the local people, the work in question is not completed and she has given an undertaking before the learned trial Court that she will hand over the articles as well as the remaining amount. He lastly submits that nothing has come during investigation which suggests the involvement of the petitioner in the present case.



5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and the fact that the petitioner has clean antecedent and the co-accused, namely Sushila Devi has given an undertaking before the learned trial Court that she will hand over the articles as well as the remaining amount, let the petitioner, above-named, in the event of his arrest or surrender before the trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Samastipur, where the case is pending in connection with **Chakmehsi PS Case No. 196 of 2022**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

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



Court.

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

(iii). And further condition that the trial Court 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 trial Court 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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