

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.9904 of 2024**

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

Binod Pandey @ Sri Binod Pandey Son Of Late Krit Pandey Resident Of  
Village- Sohra, Police Station- Barahara, District- Bhojpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

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

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

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      22-02-2024                      Heard Mr. Ajay Kumar Singh, learned counsel for  
  
the petitioner and Mr. Parmeshwar Mehta, learned Additional  
  
Public Prosecutor for the State.

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

3. According to prosecution case, certain irregularities  
were found in the work of construction of road, etc. under the  
Saat Nishchay Yojna of the Government.

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 the  
allegation as alleged in the F.I.R. is false and fabricated and the  
petitioner has not committed any offences as alleged in the



F.I.R. He further submits that the petitioner is Ward Member of the Ward No. 03 in Sohara Panchayat and he is allotted to work in Yojana No. 36 of 2019-20. He further submits that as per the measurement book the petitioner has completed the work in tune of Rs. 9,19,705/- and the project amount of the scheme is Rs. 9,21,700/- and the Junior Engineer has submitted the said measurement book before the competent authority but without verifying the genuineness of the fact that whether the petitioner has completed the said work or not the present F.I.R has been instituted against the petitioner. He further submits that the co-accused, namely, Chandan Kumar has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 26.07.2023 passed in Cr. Misc. No. 35146 of 2023.

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

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of 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/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate 2<sup>nd</sup>, Bhojpur, Ara in



connection with Barhara 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:-

i. 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.

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 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)**

Vanisha/-

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