

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2973 of 2024

Arising Out of PS. Case No.-63 Year-2014 Thana- DAWATH District- Rohtas

Yugal Kishore @ Yugal Kishore Yadav, Son of Baldeo Yadav, R/o Village Shekhwara, P.S. Magadh University, District-Gaya, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Pintu Kumar Patel Mr.Jyoti Prasad Mr.Gaurav Kumar Verma
For the Opposite Party/s	:	Mr.Rabindra Kumar- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-02-2024 1. Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 409, 120B and 34 of the Indian Penal Code.

3. The learned counsel for the petitioner submits that earlier the anticipatory bail application of the petitioner was rejected by a learned Coordinate Bench by an order dated 10.08.2017 in Cr. Misc. No.34507 of 2017. It is next submitted that the allegation as alleged in the F.I.R. was that 1488 feet of road was to be constructed under BRGF Scheme No.4/2010-11 in village Parmanpur. Further, at the



time of inspection, it was found that only 810 feet of road was constructed and 678 feet was yet to be constructed, but the construction of the entire road was measured in the measurement book and the entire amount was withdrawn. Further, it also transpired that Panchayat Secretary, Junior Engineer (petitioner) and Rajendra Prasad, Assistant Engineer collectively defalcated the entire amount.

4. The learned counsel for the petitioner submits that petitioner is aware of his limitation in arguing the second anticipatory bail application, but then, second anticipatory bail application has been filed placing reliance on Annexure-3 to the anticipatory bail application which is letter no.919 dated 09.12.2015 issued by the Block Development Officer, Dawath, Rohtas wherein it has been recorded that the entire work has been completed. It is also submitted that the Panchayat Secretary was granted the privilege of regular bail, but then, no useful purpose would be served by sending the petitioner to jail, when the work stands completed, as such, it appears that the F.I.R. came to be instituted in haste for the reason that the work could not be completed in time



stipulated.

5. Learned A.P.P. opposes the bail application.

6. 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 Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Bikramganj, Rohtas in connection with Dawath P. S. Case No.63 of 2014, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

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