

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10563 of 2024

Arising Out of PS. Case No.-349 Year-2021 Thana- SAHPUR District- Bhojpur

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1. OM PRAKASH SINGH, Male, aged about 39 years, SON OF SHIV SHANKAR SINGH
 2. BHIM SINGH, Male, aged about 46 years, SON OF MAHAVIR SINGH
Both are RESIDENTS OF VILLAGE - PURAB TOLA, MAHARAJA, P.S. - SAHPUR, DISTRICT - BHOJPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raju Singh, Advocate
For the Opposite Party/s : Mr.Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 10-04-2024 Heard Mr. Raju Singh, learned counsel appearing on behalf of the petitioners and Mr. Parmeshwar Mehta, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Sahpur P.S. Case No. 349 of 2021 registered for the offence(s) punishable under Sections 420, 409, 406 and 34 of the Indian Penal Code.

3. As per the allegation made in the FIR, the petitioners, who are Ward Member and Ward Secretary respectively of the Ward No.14 along with other co-accused persons are said to have defalcated government money which was released for implementation of the Nali Gali Yojana by



committing irregularities.

4. Learned counsel appearing on behalf of the petitioners informs that total estimated amount of Rs.5,93,200/- was released for execution of work, out of which the petitioners have completed technical work amounting to Rs.4,90,000/- and for the rest amount the petitioners are ready to credit into the account of the State Treasury.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the aforesaid submission, the District Magistrate, Bhojpur at Ara is directed to verify the total amount of estimated cost in respect of Ward No.14 relating to the petitioners, where they have performed work. If the District Magistrate finds the statement made in paragraph no.2 of supplementary affidavit filed on behalf of the petitioners to be correct, then in that case, he is directed to file an affidavit, stating the said fact before the ACJM-I, Bhojpur at Ara. The District Court, after perusing the content of the affidavit filed by the District Magistrate and also perusing the statement made in paragraph no.2 of the supplementary affidavit, finds that work has been completed, in that case, the petitioners, above named, are directed to be released on pre-arrest bail, in the event of their



arrest or surrender before the Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-1, Bhojpur at Ara in connection with Sahpur P.S. Case No. 349 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. In case, the same is incorrect, the District Court will not grant pre-arrest bail to the petitioner.

8. The bail application is disposed of.

(Purnendu Singh, J)

Sanjay/-

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