

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36158 of 2024

Arising Out of PS. Case No.-255 Year-2023 Thana- GORAUL District- Vaishali

Ashok Kumar @ Ashok Kumar Singh S/o- Jiwachh Singh @ Jiwak Singh @
Jibach Singh R/o Village- Ward No. 7, Mansurpur, Halaiyaa, P.S. Goraul,
Katraha O.P., Dist. Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 25-04-2025 Heard Mr.Ranjan Kumar Singh, learned counsel

for the petitioner and Mr.Damodar Prasad Tiwary, learned

Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Goraul (Kathara O.P) P.S. Case No.255 of 2023, dated 17.06.2023 registered for the offences punishable under Sections 420 and 409 of IPC.

3. The case of the prosecution in brief is that in compliance of the order dated 25.08.2022 passed by the Hon'ble High Court in Cr. Misc. Case No. 52747/2021 (Ashok Kumar Ashok Kumar Singh Vs State of Bihar & others), the inquiry team of three members Was constituted for inquiry and after inquiry, the inquiry team found irregularities in Yojna No.



01/2011-20 under Mukhya Mantri Gramin Peyjal Nishchya Yojna in Gram Panchayat Mensurpur Malaiya, Ward No.7, for which the accused Nishant Kumar, the then Junior Engineer, WRD Hajipur and Rajeshwar Ram, the then Panchayat Secretary alongwith Birendra Thakur, the then Ward Member and Shri Ashok Kumar @ Ashok Kumar Singh, Ex-Ward member were found guilty.

4. Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. The petitioner was Ward Secretary of Ward No.7 and as per allegation in the FIR the petitioner and other co-accused persons have not completed the work in question. Learned counsel for the petitioner submits that for the same set of allegation, co-accused person, namely, Rajeshwar Ram @ Rajeshwar Paswan and Birendra Thakur @ Virendra Thakur have been granted privilege of anticipatory bail by different Coordinate Benches of this Hon'ble Court vide orders dated 01.12.2023 and 22.02.2024 passed in Cr. Misc. Nos.75805 of 2023 and 11703 of 2024 respectively.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner and submits that as per report of the District Magistrate, Vaishali, the



petitioner is liable to pay some dues amount and apart from that, the petitioner carries one more case other than the present one but fairly submits that the petitioner is on bail in the said case, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid facts, as per report of the District Magistrate, Vaishali, the work in question has been completed by the petitioner and other co-accused persons and for the same set of allegation, co-accused person, namely, Rajeshwar Ram @ Rajeshwar Paswan and Birendra Thakur @ Virendra Thakur have been granted privilege of anticipatory bail by different Coordinate Benches of this Hon'ble Court, let the petitioner, above named, in the event of his 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 learned Additional Chief Judicial Magistrate-1st, Vaishali at Hajipur in connection with Goraul (Kathara O.P) P.S. Case No.255 of 2023, 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/her absence on two consecutive dates without sufficient reason, his/her 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/her 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)

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