

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51132 of 2025

Arising Out of PS. Case No.-26 Year-2025 Thana- GAIGHAT District- Muzaffarpur

Harishankar Tiwari @ Harishankar Tiwary Jagarnath tiwari Resident of
village- Boaridih, Pakwada Road, P.S.- Gaighata, District- Muzaffarpur, State-
Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dwij Raj, Advocate

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 11-08-2025 Heard learned counsel for the petitioner and the
learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 316(2), 318(4), 316(5), 338, 336(3), and 3(5) of Bharatiya Nyaya Sanhita.

3. As per the FIR, the Panchayat Sachiv has lodged the present case alleging therein that under the Mukhyamantri Saat Nischay Yojana, the work was not completed and despite the same payments have been made to the contractors and thereby public money was defalcated.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. He further submits that petitioner happens to be the Ward



Secretary and he had no role in making payments to the contractors. It has further been submitted that the Bill of the work carried out had been brought on record by way of Annexure P3 and also the measurement book at Annexure P2 which would go on to show that the payments were done as per the work completed and there has been no defalcation as alleged in the FIR. It has lastly been submitted that petitioner has clean antecedent.

5. The learned A.P.P. for the State has vehemently opposed the prayer for bail.

6. Considering the aforesaid submissions, the petitioner, above named, is directed to be released on anticipatory bail, in the event of arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail-bond of Rs. 10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor court in connection with Gaighat P.S. Case No. 26 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure read with corresponding Section 482(2) of BNSS as well as subject to the following conditions:-



(i) One of the bailors of the petitioner shall be his close relative.

(ii) The petitioner shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates, or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the Court concerned.

(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The learned 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.

7. Accordingly, the prayer for bail is allowed.

(Sourendra Pandey, J)

Siwani/-

U		T	
---	--	---	--

