

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38982 of 2025

Arising Out of PS. Case No.-176 Year-2024 Thana- SHAMPUR District- Munger

Tabish Alam S/o Shabir Alam R/o Mohalla/Village- Purabsaray (Kamela Tola), P.S.- Purabsaray, Distt.- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 33737 of 2025

Arising Out of PS. Case No.-176 Year-2024 Thana- SHAMPUR District- Munger

Bibhash Kumar Nirala S/o Barun Dev Mandal R/o Mohalla/Vill.- Barhouna, P.S.- Shampur, District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 38982 of 2025)

For the Petitioner/s : Mr.Kumar Kamal Nayan

For the Opposite Party/s : Mr.Mohammad Sufyan

(In CRIMINAL MISCELLANEOUS No. 33737 of 2025)

For the Petitioner/s : Mr.Kumar Kamal Nayan

For the Opposite Party/s : Mr.Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

6 22-01-2026 Heard the parties.

2. Both petitioners are named in the F.I.R. and apprehending their arrest in connection with Shampur P.S. Case No. 176 of 2024 registered for the offences punishable under Sections 318(4), 316(2), 316(5), 338, 336(3) and 340(2) of the BNS.

3. The allegation against petitioners is to defalcate government money by way of irregularities related with different



projects in *Gram Panchayat*, Barhouna, District- Munger.

4. It is submitted by learned counsel appearing on behalf of the petitioners that as far *yojna no.* 5/2023 and 7/2020 are concerned there are difference of only Rs. 400 & Rs. 5,000/- only. Petitioners being *mukhiya* and junior engineer worked under this scheme against less amount than estimated cost of Rs. 4,93,800/- and Rs. 8,61,500/- respectively. It is also submitted that similarly the estimated cost of third project i.e., scheme no. 3/2022-2023 estimated cost was Rs.3,37,700/- where in actual the work was done for Rs. 3,71,532/-. It is also submitted that petitioners never received any recovery notice. It is submitted that as far last scheme is concerned i.e., scheme no. 9/2022-2023, due to typographical error instead of 13.12.2022 date was typed as 18.12.2022 and due to said reason the differences in the estimated cost surfaced as it appears from the counter of the department.

5. Arguing further, it is submitted that main confusion surfaced due to mismatch in the muster roll, the record of which is completely managed by *panchayat sachiv* having no concern with *mukhiya* and junior engineer. While concluding argument, it is submitted that petitioner Bibhash Kumar Nirala is a man of clean antecedent & petitioner Tabish Alam found involved in one more



case, where he is on bail.

5. Learned APP opposes the prayer of bail.

6. In view of aforesaid factual submission and by taking note of fact as primarily the difference in estimated cost and cost for which work done surfaced due to muster roll, maintenance and typographical error of date as discussed aforesaid, accordingly petitioner Bibhash Kumar Nirala & petitioner Tabish Alam, in the event of their arrest or surrender before the court below within a period of four weeks, are directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. II, Munger/concerned Court, where the case is pending in connection with Shampur P.S. Case No. 176 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/ Section 482(2) of BNSS.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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

