

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85569 of 2025

Arising Out of PS. Case No.-110 Year-2019 Thana- JAGDISHPUR District- Bhojpur

1. Nirmal Kumar S/O Laxman Prasad @ Laxman Ram Resident of Village-Haradiya, P.S- Jagdishpur, District- Bhojpur
2. Shiv Prasad Rai @ Shiv Prasad Ram S/O Jagsital Rai Resident of Village-Haradiya, P.S- Jagdishpur, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 17-02-2026 Heard learned counsel for the petitioners and learned APP for the State.

2. The both accused-petitioners, named in the F.I.R., are apprehending their arrest in connection with Jagdishpur P.S. Case No. 110 of 2019 registered for the offences punishable under Sections 420, 406, 409/120B of the Indian Penal Code.

3. As per FIR, petitioners alleged to defalcate the government money allotted under the Nal-Jal Yojana.

4. Learned counsel appearing on behalf of



the petitioners submitted that the water tank constructed under the Yojana was of substandard and no quality material was used for its construction which collapsed immediately after its construction. It is submitted that petitioner no. 1 is the Secretary and petitioner no. 2 is the President of Ward Management and Implementation Committee of Ward No. 5 of Hardiya Panchayat.

5. It is submitted that even the FIR suggests that money was transferred on 31.08.2018 to the contractor for the assigned work under the Yojana and, therefore, the allegation, as to defalcate the government money, is not appears convincing. It is submitted that merely as the contractor, after execution of work, could not deposited the utilization certificate, the present false case was lodged. It is further submitted that even the water tank which said to be collapsed was reconstructed. Petitioners claimed clean antecedent.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

7. In view of the aforesaid factual



submissions and by taking note of the fact as primarily the allegation as raised through present FIR failed to convince the allegation *prima facie* as to fall under the category of cheating or of criminal breach of trust, accordingly, petitioners above-named, are the elected representative of Ward No. 5 of Hardiya Panchayat, in the event of their arrest/surrender within a period of four weeks from this order, are directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. - 1st, Bhojpur at Ara /concerned court in connection with Jagdishpur P.S. Case No. 110 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

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