

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57019 of 2015

Arising Out of PS.Case No. -33 Year- 2013 Thana -FULKAHA District- ARRARIA

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1. Ashok Kumar Mandal son of Late Resamlal Mandal resident of village -
Bagnagar, P.S. - Mahalgon, Distt. - Araria.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agarwal, Sr. Advocate
Mr. Dhananjaya Nath Tiwari

For the Opposite Party/s Mr. Sanjay Kumar Pandey (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

02/ 18.12.2015 Heard learned counsel for the petitioner as well as learned
Addl. Public Prosecutor for the State.

Petitioner is in jail custody since 01.09.2014 in a case
registered under sections 409 and 420 of the Indian Penal Code.

Petitioner was Panchayat secretary and accusation against
him is that he withdrew Rs 1, 87, 230/- for certain work and
subsequently, he returned only Rs 60,000/- whereas embezzled Rs
1,27,230/- .

The contention on behalf of the petitioner is that petitioner
did work allotted to him and after inspection by the higher officials, it
was found that only 30 percent work had been done by the petitioner.
It is further contended by him that it is admitted case of the
prosecution that Rs 60,000/- had already been deposited by the
petitioner and, as a matter of fact, petitioner had already completed his

work but villagers took soil from the work place as a result of which 30 percent work was found to be done.

Considering the aforesaid facts and circumstances as well as submissions of the parties and also taking note of the period of detention of the petitioner in jail custody, let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of Sri S.K. Mishra, Judicial Magistrate, Ist Class, Araria/ concerned court in Fulkaha P.S. Case no. 33/2013.

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(Hemant Kumar Srivastava,J)

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