

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32225 of 2014

Arising Out of PS.Case No. -10 Year- 2014 Thana -MUNGER MUFFASIL District- MUNGER

1. Shyam Lal Kishku S/o Late Ramdhan Kishku

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar

For the Opposite Party/s : M/s. Pushpa Sinha 2 (App)

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 06-02-2015

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with
Mufassil P.S. Case No. 10 of 2014 registered for the offences
punishable under Sections 419, 420 of the Indian Penal Code.

Petitioner being Panchayat Secretary was appointed
to execute a government scheme and accordingly, he took Rs.
9,00000/- in advance but when measurement book was perused,
it was found that petitioner did the work only to the tune of Rs.
7,32,415/- till 11.10.2012.

The contention on behalf of the petitioner is that
petitioner has already completed the entire work but the

measurement of the aforesaid work was not done by the concerned authority resulting institution of the present case.

Considering the aforesaid facts and circumstances as well as submissions of the parties, it is ordered that petitioner, in the event of his arrest/ surrender within four weeks from the date of receipt of this order to the court concerned, shall be released on provisional bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Sub Divisional Judicial Magistrate, Munger in Mufassil P.S. Case No. 10 of 2014 subject to condition as laid down under Section 438(2) of the Cr.P.C. and furthermore, with this condition that the learned court below shall direct the concerned authority to produce the measurement book of the concerned scheme within two weeks before the concerned court and if it is found that the work in question has already been done by the petitioner, the provisional bail granted to the petitioner shall be confirmed by the concerned court but if the measurement book does not reflect the completion of concerned work, the provisional bail granted to the petitioner shall not be confirmed by the learned court below and in that event, the learned court below shall proceed in accordance with law. It is also made clear that petitioner shall file a petition

before the concerned court to call for the measurement book from the concerned authority within two weeks from the date of his release.

(Hemant Kumar Srivastava, J)

SHAHZAD/-

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