

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38732 of 2014

Arising Out of PS.Case No. -285 Year- 2014 Thana -FORBESGANJ District- ARRARIA

Kishor Kumar Das Son of Late Krishna Mohan Das resident of village-
Hundali, P.O.- Bastoul, P.S.- Pranpur, Distt.- Katihar

... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.40703 of 2014

Arising Out of PS.Case No. -285 Year- 2014 Thana -FORBESGANJ District- ARRARIA

Binodanand Jha S/o Late Chakardhar Jha Resident of Village Chikni, P.S.
Sarsi , District Purnea At present working as Head Assistant , Forbisganj
Block, P.S. Forbisganj, District - Araria

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.38732 of 2014)

For the Petitioner/s : Mr. N.K.Agrawal, Sr. Advocate.

For the Opposite Party/s: Mr. U.S.P.Singh, A.P.P.

(In Cr.Misc. No.40703 of 2014)

For the Petitioner/s : Mr. N.K.Agrawal, Sr. Advocate.

For the Opposite Party/s: Mr. U.S.P.Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 13-03-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under
Sections 409 and 120(B) of the Indian Penal Code and that the
petitioner Kishore Kumar Das was the Block Development Officer and
the petitioner Binodanand Jha was the Head Clerk of the concerned
Block, who along with one Binod Kumar Singh, the contractor were
said to have misappropriated the amount of Rs. 1,72,00,000/- and that
subsequently this Court, while hearing the regular bail petition of Binod



Kumar Singh, had recorded a finding that out of Rs. 1,72,00,000/-, a sum of Rs. 1,40,00,000/- has already been accounted for as per the entries made in the measurement book and that for remaining work of Rs. 32,00,000/- Binod Kumar Singh had under taken to do the work and on his such undertaking he has been granted provisional bail by this Court vide an order dated 21.01.2015 in Cr. Misc. No. 38150 of 2014 for a period of six months, this Court also would direct that if the petitioners namely Kishore Kumar Das and Binodanand Jha surrender before the court below within a period of four weeks from today, they shall be also initially released on provisional bail for a period of six months on furnishing bail bond of Rs. 10,000/-each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Araria in connection with Forbesganj P.S.Case No. 285 of 2014, subject to the following conditions:

- (i) The provisional bail of the petitioners shall be confirmed only if the petitioners shall report to District Magistrate, Araria that the work has been completed and the total sum of Rs. 1,72,00,000/- has been properly accounted for and the District Magistrate, Araria thereafter shall submit a report. If in such report the District Magistrate, Araria reports that any portion of the sum of Rs. 1,72,00,000/- has not been properly accounted for the petitioners shall be liable to pay the balance amount in equal proportion for confirmation of their bail on

completion of period of six months of provisional bail.

- (ii) That both the bailors will be close family relatives of the petitioners, who will undertake an affidavit giving genealogy as to how they are related with the petitioners. The bailors will also undertake to inform the court if there is any change in the addresses of the petitioners.
- (iii) That the affidavit shall clearly state that the petitioners are not accused in any other case and if they are, they shall not be released on bail.
- (iv) That the bailors shall also state on affidavit that they will inform the court concerned, if the petitioners are implicated in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.
- (v) That the petitioners will be well represented on each and every date in course of trial and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled on this ground alone.

Sujit/-

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(Mihir Kumar Jha, J)