

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40543 of 2014

Arising Out of PS.Case No. -525 Year- 2013 Thana -KISHANGANJ District- KISANGANJ

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1. Subhash Chandra Deo Son of Late Baijnath Deo resident of village-
Bihara, P.S.- Bihara, District- Saharsa

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Mukund, Advocate.

For the Opposite Party/s : Mr. Kanhaiya Kishore(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 26-03-2015 Heard Shri Anil Kumar Mukund on behalf of the

petitioner and the learned APP.

The petitioner apprehends his arrest in Kishanganj P.S.
Case No. 525 of 2013, registered for the offences punishable
under Section 420 and other Sections of the Indian Penal Code.

The petitioner is the retired Revenue Karamchari-cum-
Panchayat Secretary incharge, he along with Subodh Kumar
Harijan the then Mukhiya was agent of Scheme No. 1/2010-11 for
construction of PVC road. The petitioner and co-accused withdrew
Rs. 5,00,000/- as advance for completion of work but when the
inspection of the work was done it was found that the petitioner
did work of only Rs. 2,94,097/- and the petitioner defalcated a
sum of Rs. 2,63,403/-.

Learned counsel for the petitioner submits that the work

to be completed in the year 2010-11. The petitioner completed the work, but no measurement was done. The D.D.C. inspected the site in the year 2013 and the Executive Engineer DRDA found that only work of Rs. 2,94,097/- was done, but no measurement was done about the earth work.

It appears that 515 fts. PVC work was to be completed, but on inspection it was found that the petitioner did the work of Rs. 2,94,097/-. Learned counsel for the petitioner has submitted that the petitioner is ready to deposit a sum of Rs. 2,63,403/- within three months.

Considering the facts aforesaid and the fact that if the petitioner above named deposits Rs. 1,00,000/- within one month, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kishanganj in connection with Kishanganj P.S. Case No. 525 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. The petitioner is further directed to deposit the remaining amount in two installments within three months thereafter, if the petitioner does

not deposit the entire amount within the aforesaid period, the court
below shall cancel the bail bond of the petitioner.

(Prabhat Kumar Jha, J.)

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