

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18528 of 2015

Arising Out of PS.Case No. -184 Year- 2014 Thana -SIMRI District- BUXAR

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Bhim Thakur, Son of Late Lal Mohar Thakur, resident of village, Gangauli
Police station- Simari, District- Buxar presently Mukhiya, Gram Panchayat-
Gangauli.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 15-06-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioner for the offences punishable under Sections-420, 406, 409, 120(B)/34 of the Indian Penal Code and the fact that the petitioner was the Mukhiya of Gangauli Gram Panchayat in whose period of functioning, the purchase of substandard and non functional solar lights to the tune of Rs. 29,28,500/- have been found to be in complete violation of the decision of the State Government, this Court keeping in view that the petitioner as also the Panchayat Sevak are jointly responsible for causing loss to the State Exchequer, would be inclined to grant the privilege of anticipatory

bail to the petitioner only if he deposits sum of Rs. 14,64,250 /- being the half of the total amount.

That being so, if the petitioner namely, **Bhim Thakur** surrenders within a period of four weeks from today and furnishes proof of deposit of Rs. 14,64,250/- before the Court below by way of Bank-draft payable in the name of Collector of Buxar district, which of course shall remain subject to the final outcome of the criminal trial against the petitioner, he would be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of **Chief Judicial Magistrate, Buxar** in connection with **Simri P.S. Case No. 184 of 2014**, subject to the conditions laid down under Section- 438 (2) Cr. P.C and also subject to the following conditions:-

(i) That the court below shall make verification of criminal antecedent of the petitioner and if it is found that he is accused in any other criminal case, he shall not be granted bail and would be taken into custody.

(ii) That both the bailors will be close

relative of the petitioner who will give an affidavit giving genealogy as to how they are related with the petitioner. The bailors will also undertake to inform the Court if there is any change in the address of the petitioner.

(iii) That the bailor shall also state on affidavit that they will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his 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.

(iv) That the petitioner will give an undertaking that he will receive the police papers on the given date and be present on the date fixed for charge and if he fails to do so on two given dates and delays the trial in any manner, his bail will be liable to be cancelled for reasons of misuse.

(v) That the petitioner will be well represented on each and every date of trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled on this ground alone.

(Mihir Kumar Jha, J)

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