

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2808 of 2017

Arising Out of PS.Case No. -8 Year- 2002 Thana -KINJAR District- JEHANABAD

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1. Binda Thakur, S/o Shri Muni Thakur, R/o Village- Bagahi, P.S.-
Parasbigha, District- Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar

For the Opposite Party/s : Mr. Sri Nityanand

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 01-03-2017 The petitioners are in custody since 14.09.2016 in connection with Kinjar P.S. Case No. 08/2002, registered for offences punishable under Sections 406 and 34 of the Indian Penal Code.

It has been submitted on behalf of the petitioner that he is no where concerned with the scheme and has falsely been implicated in this case because he happens to be brother of the co-accused of this case, namely, Ram Prasad Thakur. Petitioner is neither the contractor nor the treasurer of the said scheme. As a matter of fact, the agent, namely, Bindeshwar Manji was responsible for execution and completion of work, however he died and the construction work could not be done, for which the petitioner cannot be held liable. Petitioner has been languishing in



judicial custody 14.09.2016.

Learned counsel for the State referring to paragraph 6, 7, and 8 has submitted that in this case there is defalcation of government money by accused persons including the petitioner and, therefore, petitioner does not deserve the privilege of bail.

Having heard both sides, in view of the allegation as well as the materials available against the petitioner in case diary, I am not inclined to grant the petitioner, the privilege of regular bail, at this stage, it is accordingly rejected.

However, the petitioner may renew his prayer for bail after framing of charge in this case before the court below itself, which will be considered by the court below on the merit of the case, without being prejudiced by the order of this Court.

(Vinod Kumar Sinha, J)

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