

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12133 of 2017

Arising Out of PS.Case No. -177 Year- 2016 Thana -BELDAUR District- KHAGARIA

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1. Indradeo Yadav Son of Kiro Yadav, Resident of Village and Panchayat-Mali, Police Station- Beldour, District- Khagaria.

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Siddhartha Prasad

For the Opposite Party/s : Mr. Sri Parmanand Prasad

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 23-03-2017

Heard learned counsel for the petitioner as well as

learned Addl. Public Prosecutor.

The petitioner prays for anticipatory bail in connection with Beldaur P.S. case no. 177 of 2016 registered for the offence punishable under Sections 409, 406, 420/34 of the Indian Penal Code.

It is alleged that there is defalcation in the installation of solar lights and in the enquiry report, he has mentioned about 14 solar lights but out of 14 solar lights, only two or three are in working condition and about two, it is stated that there are only poles and for others, there is no report.

It is submitted on behalf of petitioner that the petitioner is the *Mukhia* of Mali *Gram Panchayat* in the year 2011



and on the application of one Narsingh Narayan Yadav after enquiry, F.I.R. has been lodged by Block Development Officer, Beldaur. It is further submitted that it appears from enquiry report that there is allegation of violation of Circular dated 30.08.2013 of the Principal Secretary of the Panchayati Raj department, however, the whole occurrence is of the year 2011, as such, there is no occasion for violation of the Circular of the year 2013.

It is further submitted that petitioner has been falsely implicated only at the instance of Narsingh Narayan Yadav due to political rivalry.

Heard learned A.P.P. also.

Having heard both sides. In view of the submissions which is also apparent from the enquiry report, the anticipatory bail application of petitioner is allowed and he is directed to be enlarged on anticipatory bail on furnishing bail bond of Rs. 25,000/-(Rs. Twenty five thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate 1st class, Khagaria in connection with Beldaur P.S. case no. 177 of 2016 subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with a condition that bailors should be the local one having sufficient property within the jurisdiction of learned court below and with further condition that



petitioner will cooperate and assist in the investigation of the case and appear before the investigating officer and produce all the papers which has been required by the investigating officer and his failure to assist the investigating officer will liable him for cancellation of his bail bonds.

(Vinod Kumar Sinha, J.)

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