

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6873 of 2017

Arising Out of PS.Case No. -108 Year- 2016 Thana -HULASGANJ District- JEHANABAD

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Ajit Kumar, Son of Sri Rameshwar Singh, Resident of Village- Keur, Police
Station- Hulasganj, District- Jehanabad

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar, Advocate

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 13-04-2017 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
20.12.2016 in connection with Hulasganj P.S. Case No. 108/2016
registered for the offence punishable under Sections 420, 409 of
the Indian Penal Code.

The prosecution case is that vide Yojna No. 01/2008-
09 the work was finalised and Rs. 25,000.00 was taken by the
petitioner for construction of Panchayat Bhawan, but the same was
not completed by the petitioner and money was also not refunded
in spite of several directions.

It has been submitted by the learned counsel for the
petitioner that on receipt of the amount as an Executing Agent he



has bought construction material which he has placed on the spot and has not yet received any further amount for further construction, although, the estimate of construction of Panchayat Bhawan was Rs. 6,92,000.00. It is submitted that the Mukhiya has written a letter to the Block Development Officer, Hulasganj, Jehanabad on 08.12.2016 stating therein that the entire liability was of Kutcheri Secretary, who had taken advance of Rs. 25,000.00. It is further submitted that the petitioner was an Executing Agent of the Kutcheri Secretary and has not misappropriated or embezzled the said amount. It has also been submitted that the charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned A.P.P. for the State submits that in spite of repeated reminders by all the concerned officials, the petitioner has not replied and not reconciled the amount of Rs. 25,000.00 taken as advance, and, hence, opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Jehanabad, in connection



with Hulasganj P.S. Case No. 108/2016, subject to the condition that the petitioner will cooperate with the orders/ letters of the Block Development Officer, state all those facts and give a break up of the amounts spent and the amount lying with him and also cooperate with the further inquiry at the instance of the Block Development Officer.

(Nilu Agrawal, J)

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