

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14576 of 2017

Arising Out of PS.Case No. -152 Year- 2016 Thana -PAKRIDAYAL District-
EASTCHAMPARAN(MOTIHARI)

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1. Kishori Thakur, Son of Bigu Thakur, Resident of Village- Harnathpur,
P.S.- Pakridayal, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar. null null

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Sri Arun Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 07-04-2017

Heard learned counsel for the petitioner and the State.

Petitioner apprehends his arrest in connection with
Pakridayal P.S. Case No. 152 of 2016 instituted for the offence
under Section-409 of the Indian Penal Code.

There is allegation against this petitioner that the
petitioner was the then Mukhiya and the plantation drive under
MNREGA scheme was done. The Collector ordered for
verification of the same. During verification, it was found that the
number of trees planted were not in accordance with scheme and
financial embezzlement of Rs. 14,85,992/- was done causing loss
to the government exchequer.

It has been submitted on behalf of the petitioner that
for recovery of the aforesaid amount, the government has filed



certificate case in which final order was passed and the petitioner was taken into civil custody on 28-11-2016. The aforesaid order was challenged by the petitioner in the Hon'ble Court by filing CWJC NO. 19125 of 2016 and he has been ordered to be released and was directed to file an appeal before the competent authority.

In such circumstances, it appears that certificate case is already been pending and the petitioner was released in that case by order passed in CWJC NO. 19125 of 2016.

Considering the above facts and circumstances of the case, this anticipatory bail petition is allowed and it is ordered that the petitioner named above, in the event of his arrest or surrender in the court below within four weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Pakridayal P.S. Case No. 152 of 2016 to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran subject to conditions as laid down u/S 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and



reasonable reason, will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

A.K.V./-

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