

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19562 of 2017

Arising Out of PS.Case No. -210 Year- 2014 Thana -KOCHADHAMAN District- KISANGANJ

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Ganesh Prasad Mandal @ Ganesh Mandal, Son of Late Sakhichan Mandal,
Resident of Village- Pista, Police Station- Jagdishpur, District- Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Syed Masleh-Uddin Ashraf

For the Opposite Party/s : Smt. Veena Rani Prasadd.

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 10-07-2017 Heard the learned counsel for the petitioner as well as
the learned A.P.P. for the State.

In this application for anticipatory bail the petitioner apprehends his arrest in connection with Kochadhaman P.S. Case No. 210 of 2014 for the offence punishable under section 409 of the I.P.C.

Allegedly, the petitioner being the then Block Development Officer, Kochadhaman has defalcated the government money amounting to Rs. 2,65,000/- which was meant for construction of two Anganbari Centres vide Scheme Nos. 16/09-10 and 19/09-10.

Submission is of false implication and that the petitioner has not defalcated any amount, the petitioner has completed the work of Scheme No. 16/09-10 up to the linter level



and has also given advance money to the suppliers of the building materials and with regard to the Scheme No. 19/09-10, the petitioner has also given advance money to the suppliers to supply the building materials but on account of some dispute the supplier did not supply the materials and hence the construction work could not be completed within time, the petitioner has been made victim of conspiracy due to the departmental rivalry and as such he deserves sympathetic consideration, the petitioner is ready to deposit Rs. 2,65,000/-.

The learned A.P.P. opposes prayer for pre-arrest bail of the petitioner by submitting that the petitioner has defalcated the amount of Rs. 2,65,000/-.

In the facts and circumstances as stated above, in case the petitioner deposits Rs. 2,65,000/- in the court below within two months then the petitioner, in case of his arrest or surrender within that period from the date of receipt/production of a 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 to the satisfaction of. C.J.M. Kishanganj in connection with above mentioned case, subject to the conditions as laid down in section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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