

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18243 of 2018

Arising Out of PS.Case No. -56 Year- 2017 Thana -PALIGANJ District- PATNA

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Sadanand Kumar, S/o Shri Rameshwar Kewat, resident of village-
Mokimpur, P.O.-Hajipur Bellaur, P.S.-Barh, District-Patna (then Panchayat
Sewak, Dharhara, Paliganj)

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

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

For the State : Mr. Kumar Virendra Narayan, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR
SINGH
ORAL ORDER

2 05-04-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection with
Paliganj P.S. Case No.56 of 2017 registered under Sections 409
and 420 of the Indian Penal Code.

It is submitted by the learned counsel for the petitioner
that as per measurement book, the work was done to the tune of
rupees ten lac sixty seven thousand and seven hundred seventy six
whereas unadjusted / balance amount was calculated to be rupees
nine lac sixty three thousand and nine hundred seventy five. Out
of the said unadjusted amount, the petitioner has deposited a total
amount of rupees five lac twenty nine thousand and seven hundred



seventy five while rupees four lac thirty four thousand and two hundred remains to be paid by the petitioner which was communicated by the Deputy Development Commissioner, Patna to the Programme Officer, Paliganj according to the first information report. The petitioner has already explained in his representation submitted to the Block Development Officer, Paliganj on 08.12.2016 that out of remaining amount of rupees four lac thirty four thousand and two hundred, rupees three lac fifty thousand has to be returned by Jai Bajrangbali Enterprises, while rupees eighty four thousand and two hundred has to be returned back by A.S.M. Eitt Udyog which have been paid in advance through cheque by the Block Development Officer, Paliganj.

He submitted that it is not a case of defalcation rather it is a case where the petitioner is being blamed for the acts of omission and commission done by the owner of two firms after receiving the advance from the Block Development Officer, Paliganj.

On the other hand, learned counsel for the State submitted that since the petitioner was the executing agent, it was his duty to get the work executed and he cannot put the blame on the firms for having received the amount and not completed the



work.

Be that as it may, considering the nature of allegation and the submissions made above as also the fact that the petitioner is still in service and having got roots in the society, he is not likely to abscond or tamper with the evidence, in the event of arrest or surrender in the court below within six weeks from today, he is directed to 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 learned Sub Divisional Judicial Magistrate, Danapur in connection with Paliganj P.S. Case No. 56 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

Md.S./-

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