

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.25151 of 2018

Arising Out of PS.Case No. -606 Year- 2017 Thana -BANKA District-
BANKA

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Arvind Prasad Singh @ Arvind Kumar Singh, Son of Late
Ramdeo Singh, Resident of Village-Rattochak, P.S. Belhar,
District-Banka.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amrendra Kumar Jha, Adv.

For the Opposite Party/s : Mr. Mukeshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 03-05-2018 The petitioner seeks bail in anticipation of his
arrest in connection with Banka P.S. Case No. 606 of 2017,
dated 20.09.2017, instituted for the offences punishable
under Sections 420, 409 and 34 of the Indian Penal Code.

The petitioner, at the relevant time, was the
Secretary of Lakrikola Gram Panchayat from 17.03.2015 to
25.01.2017. Thereafter, he had handed over the charge to
one Rajendra Sharma on 25.01.2017. The petitioner and his
predecessor are alleged to have withdrawn government



money for the purposes of construction under some government scheme and the work was not found to be commensurate with the amount which is said to have been withdrawn and appropriated by the accused persons including the petitioner.

Learned counsel for the petitioner has, however, submitted that with respect to the withdrawal and use of the government money as alleged against the petitioner, an amount of Rs. 36,96,500/- is stated to have been withdrawn for which, the work carried out by the petitioner was found to be deficient.

The First Information Report further reveals that the petitioner was noticed for returning the aforesaid amount, but to no avail.

After some arguments, learned counsel for the petitioner submits that the petitioner shall deposit the aforesaid amount of Rs. 36,96,500/-, but has requested the Court for fixing a soft installment, so that the money is paid within the stipulated time period.

Considering the aforesaid submission of the learned counsel for the petitioner, this Court is inclined to enlarge the petitioner on provisional anticipatory bail, subject to the condition that an amount of Rs. 36,96,500/- shall be paid by him within a period of six months from the date of



the passing of the order. The first installment of Rs. 5,00,000/- shall be paid by the petitioner, within a period of four weeks, at the time of furnishing his bail-bonds.

Let the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, be released on bail on his furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Banka P.S. Case No. 606 of 2017.

It is made clear that the first installment of Rs. 5,00,000/-, which shall be paid by the petitioner by way of demand draft at the time of furnishing his bail-bonds, shall be kept by the Court below in any interest bearing scheme of any nationalized bank with auto-renewal facility. The balance amount shall be paid within a period of six months, as has been stated earlier. The payments, but, shall be without prejudice to the rights and contention of the petitioner later.

It is also made clear that in case the total amount of Rs. 36,96,500/- is not paid within the stipulated period of six months, it would be open for the prosecution to file an application for cancellation of bail of the petitioner. As and when such an application on behalf of the prosecution shall be filed, the Court below shall pass necessary orders in



accordance with law forthwith.

With the aforesaid direction/observation, the application stands disposed of.

(Ashutosh Kumar, J)

Praveen-II/-

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