

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43555 of 2018

Arising Out of PS.Case No. -44 Year- 2018 Thana -DEO District- AURANGABAD

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1. Surendra Ram, S/o Late Rambilash Ram, R/o Vill- Judahi, P.S.-
Madanpur, Distt- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Adv.

For the Opposite Party/s : Mr. Sri Binod Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 03-08-2018 Heard learned counsel for the petitioner as well as the

State.

The petitioner apprehends his arrest in Dev P.S. Case
No. 44/2018, instituted for the offences punishable under Sections
420, 467, 468, 471, 406 and 409 of the Indian Penal Code.

As per written report, there is allegation that this
petitioner along with Mukhiya has misappropriated an amount of Rs.
42,72,500/- of the fund of Chief Minister Seven Nischaya Yojna.

Learned counsel for the petitioner has pointed out the
report of the Block Development Officer, Dev at running page 18
wherein it has been mentioned that the petitioner has
misappropriated Rs. 21,36,250/-. It has been submitted that the
petitioner is ready to deposit the aforesaid amount i.e. Rs.
21,36,250/-. He will deposit 1/4th of Rs. 21,36,250/- at the time of



surrender and the remaining amount will be deposited in twelve equal installments.

In view of such, this application is disposed of with direction to the petitioner to surrender before the learned Chief Judicial Magistrate, Aurangabad in connection with Dev P.S. Case No. 44/2018 within a period of six weeks from the date of receipt of this order along with the proof of deposit of the aforesaid amount i.e. 1/4th of Rs. 21,36,250/- and an affidavit that he will repay the balance amount within 12 months in twelve equal installments and in that event, the court below will release the petitioner on provisional anticipatory bail for a period of twelve months to its own satisfaction on the surety to be fixed by the court below itself, subject to the conditions as laid down under Section 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 tamper 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.

After payment of the entire amount, provisional bail of the petitioner will be confirmed.



It is made clear that in the event petitioner does not surrender before the court below along with proof of deposit of first installment and an affidavit as stated above or the petitioner commits default in making payment of single installment, provisional bail of the petitioner will be cancelled.

Learned counsel for the petitioner has filed supplementary affidavit enclosing Annexure-2 which is letter of the Mukhiya, Pramod Chaurasia that he has got Rs. 27,40,000/- from this petitioner.

This Court does not express any opinion with regard to the genuineness of the aforesaid letter. It will be open for the petitioner to take appropriate steps against the Mukhiya in accordance with law.

(Sanjay Priya, J.)

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