

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.5213 of 2018

Arising Out of PS. Case No.-120 Year-2017 Thana- KOCHADHAMAN District- Kishanganj

Ramnath Malakar, Son of Late Kachhu Singh, then Panchayat Sachiv, Majkurim, Kochadhaman Block, P.S.- Kochadhaman, District- Kishanganj, presently posted in Block Office Terhagachh, P.S. Terhagachh, District- Kishanganj and permanent resident of Village- Dhobi Bhatta, Police Station- Pathamari (Thakurganj), District- Kishanganj.

... .. Petitioner/s

The State of Bihar.
... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar

For the Opposite Party/s : Mr. Sri Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 16-04-2018 Heard learned counsel for the petitioner and learned counsel for the State.

In this case, the petitioner is apprehending his arrest in connection with Kochadhaman P.S. Case No. 120 of 2017 registered for offences under sections 409, 420/34 of the Indian Penal Code.

An allegation has been made that the petitioner had received Rs. 6,94,000/- under the scheme for construction of PCC Road but, that road was not constructed led to filing of the present criminal case.

Learned counsel for the petitioner has submitted that the petitioner has already deposited the aforesaid amount.

In view of the above, let the petitioner should appear before the court below and the court below will make an



enquiry with regard to deposition of the aforesaid amount by the petitioner and, after verification, if it is found that he has deposited the amount, the court below will be obliged to grant him bail but, if it is found that he has made wrong statement, the petitioner will be taken into custody.

Till the enquiry is completed by the court below, let the petitioner, namely, Ramnath Malakar, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on provisional bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Kishanganj in connection with Kochadhaman P.S. Case No. 120 of 2017 (G.R. No. 1210 of 2017), subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional bail will be confirmed subject to the ultimate order passed by the court below.

(Shivaji Pandey, J)

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