

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.72825 of 2018**

Arising Out of PS. Case No.-525 Year-2013 Thana- KISHANGANJ District- Kishanganj

Subol Kumar Harijan @ Subol Harijan, Son of Mahendra Lal Harijan, @  
Mantosh Kumar Harijan, Resident of Village Mahesh Bathna, P.S. + District-  
Kishanganj.

... .. Petitioner/s

Versus  
The State of Bihar.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ram Prawesh Kumar

For the Opposite Party/s : Mr. Sri Ajay Kumar Jha

**CORAM: HONOURABLE MR. JUSTICE S. KUMAR**

ORAL ORDER

2      13-12-2018      Heard learned counsel for the parties.

Petitioner seeks bail in **Kishanganj P.S. Case No. 525**  
**of 2013** registered for the offence punishable under Sections  
409, 406, 420, 120B of the Indian Penal Code.

Informant is the Block Development Officer who in his written complaint addressed to the Officer-in-charge of Kishanganj P.S has stated that retired Revenue Clerk Subhas Chandra Dev and the petitioner who was Mukhiya at the relevant time has misappropriated fund allotted in the head of Chapakal of Rs. 57,500/- and for construction of PCC road fund of Rs. 4,99,500/- which was inspected by Deputy Development Commissioner and the expenditure made on PCC road was found to be Rs. 2,94,097/- and no Chapakal was found submerged as such total amount comes to Rs. 2,63,403/- which was misappropriated by the accused persons as named in the



complaint.

It has been submitted on behalf of the petitioner that PCC road was constructed by Panchayat Sachiv and bill was approved by the BDO and thereafter payment was made and he had to make only counter signature on the cheque. Petitioner has got no criminal antecedent and is in custody since 22.06.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned **Chief Judicial Magistrate, Kishanganj**, in connection with **Kishanganj P.S. Case No. 525 of 2013**, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the petitioner tampers 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.

**(S. Kumar, J)**

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