

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1273 of 2019

Arising Out of PS. Case No.- Year- Thana- District-

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Bangali Mahto, son of Late Ramdhani Mahto, resident of village- Bardaha,
P.O. Amari, Police Sation- Khodabanpur, (Chhourahi O.P.), District-
Begusarai.

... .. Petitioner/s

Versus

The State Of Bihar Through Vigilance

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Ranjan, Adv

For the Vigilance : Mr. Ajay Mishra (AC to Law Officer Vigilance)

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 18-01-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner, who is in custody, seeks bail in
connection with Special Case No. 10 of 2000 arising out of
Vigilance P.S. Case No. 42 of 1991 registered for the offence
punishable under Sections 467, 468, 471, 372, 419, 420 and
120(A) of the Indian Penal Code and Section 27 of Arms Act
and 17 C.L. Act.

Petitioner has earlier moved this Court for
anticipatory bail vide Criminal Miscellaneous No. 69288 of
2018 which was dismissed as withdrawn by order dated
04.12.2018.

Allegation is defalcation of huge amount of Rs.



20,39,720/- which was sanctioned for construction of 50,000/- smokeless Chullah but only 964 smokeless Chullah was alleged to have been constructed and rest amount was misappropriated in name of fictitious persons.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case merely on suspicion. Petitioner is not named in the FIR as he was never involved in this matter at any stage. Earlier the petitioner was examined by the I.O. as witness, but later on he was made accused in this case. It has been further submitted that petitioner happens to be Mukhiya of Amari Panchayat, Khodawandpur, Begusarai and at the relevant date and time petitioner has no role in the alleged work at any stage. Petitioner has no criminal antecedent and he is in custody since 28.11.2018.

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/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge 1st, Patna, in connection with Special Case No. 10A of 2000 arising out of Vigilance P.S. Case No. 42 of 1991 subject to the conditions that:-



(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 his absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel his bail bond.

(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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