

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23062 of 2019**

Arising Out of PS. Case No.-23 Year-2019 Thana- MANSI District-
Khagaria

- =====
1. SITARAM SINGH, male, aged about 65 years, Son of Late Pato Singh Resident of Village - Aguwani, P.S.- Parwatta, Distt - Khagaria. The then Panchayat Sachiv, Gram Panchayat Raj, Khutiya, Khagaria.
 2. Kaushal Singh, aged about 57 years, male, Son of Late Bisho Singh Resident of Village - Ekania, P.S.- Mansi, Distt - Khagaria, The then Mukhiya of Gram Panchayat Raj , Khutiya, P.S.- Mansi, Distt - Khagaria.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioners : Mr. Bharat Bhushan, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 12-04-2019 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 420, 406, 409/34 of the Indian Penal Code registered in connection with Mansi P.S. Case No. 23 of 2019, G.R. No. 371 of 2019.

3. It is submitted that the petitioners have been falsely implicated who were the then Panchayat Secretary and Mukhiya of Gram Panchayt, Mansi have been falsely implicated on the accusation of misappropriation of Government funds of Rs. 65,754/- as only 716.50 feet of road was constructed out of



990 feet required to be constructed. It is submitted that a report had been submitted by the Junior Engineer almost a decade earlier according to which the measurement of the road constructed was 1036 feet . In any event the petitioners have already deposited Rs. 65,754/- in the Nazarat of Mansi Block.

4. Be that as it may, in the event of the petitioners' arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners be released on provisional bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Mansi P.S. Case No. 23 of 2019, G.R. No. 371 of 2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions -

(i) That one of the bailors shall be a close relative of the petitioners.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioners shall cooperate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioners shall remain physically



present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

5. The provisional bail shall be confirmed upon verification that the petitioners have deposited the subject amount of Rs. 65,754/- in the Nazarat of Mansi Block. In case the petitioner’s claim fails upon verification, the provisional bail shall stand automatically cancelled.

(Vikash Jain, J)

Ibrar/Chandran

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