

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40636 of 2019

Arising Out of PS. Case No.-292 Year-2017 Thana- BABUBARHI District- Madhubani

Jagannath Mukhiya Son of Late Uttim Lal Mukhiya Resident of Village-
Maivi, P.S.- Lakhsaur, District- Madhubani (Ex. Panchayat Secretary
Bhupatti).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gagan Deo Yadav

For the Opposite Party/s : Mr.Jagdhari Prasad

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 05-09-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 409, 419, 420, 34 of the Indian Penal Code
registered in connection with Babubarhi P.S. Case No. 292/2017.

3. It is submitted that the petitioner who is the Panchayat
Secretary has been falsely implicated in connection with
withdrawal of funds for construction under different schemes.
Learned counsel for the petitioner invites reference to order
dated 07.01.2019 passed in Cr. Misc. No. 69879 of 2018 in the
case of the then Mukhiya of Gram Panchayat, Bhupatti who had
been granted provisional bail by this Court to be confirmed
subject to deposit of 50% of the unadjusted amount of Rs.
1,97,500/- in the learned Court below. It is stated that the
petitioner similarly expresses his readiness to deposit 50% of the
unadjusted amount of Rs. 1,97,500/-. The petitioner claims clean
antecedents.

4. Be that it may, in the event of petitioner's arrest or



surrender within four weeks hereof let the above named petitioner be released on provisional bail on furnishing bail bond of Rs.10,000/- [ten thousand] with two sureties of like amount each to the satisfaction of learned ACJM III, Madhubani in connection with Babubarhi P.S. Case No. 292/2017, 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 petitioner.

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

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

(iv) The petitioner 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, his bail bond shall be liable to be cancelled by the learned Court concerned.

5. The provisional bail granted to the petitioner shall be confirmed subject to the condition that the petitioner shall deposit 50% of the unadjusted amount of Rs. 1,97,500/- in the Court below within a further period of two weeks after furnishing bail bond, which will abide by the final result of the trial. In case the petitioner fails to deposit the amount as aforesaid within the stipulated period his bail bond shall stand automatically cancelled.

(Vikash Jain, J)

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