

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50258 of 2019

Arising Out of PS. Case No.-54 Year-2019 Thana- DHANAHHA District- West Champaran

JATA SHANKAR THAKUR Son of Late Mangal Thakur Resident of Village
- Piprahiya, P.O. and P.S.- Nawalpur, Dist.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 21-10-2019 Heard learned counsel for the petitioner and learned
APP representing the State.

The petitioner in this case who is a retired Panchayat Secretary is seeking anticipatory bail in connection with Dhanaha P.S. Case No. 54 of 2019 registered for the offences punishable under Sections 406, 420, 409, 467, 468/34 of the Indian Penal Code.

As per the allegations made in the first information report, the petitioner was allegedly involved in certain financial irregularities in the purchase of solar lights against which a sum of Rs. 8 lakhs had been withdrawn from the account but the solar lights were not installed.

Learned counsel for the petitioner submits that earlier in terms of the agreement, since sufficient money had not been



deposited, the steps for installation of solar system was not taken by dealer for various reasons and when this petitioner came to know about that, he had sent notice to the dealer on which the Dealer has returned the entire amount which was deposited in the account of the Panchayat.

Learned APP has after going through the case diary accepted the factual position and submits that the amount has already been returned by the dealer and the same has been credited to the account of the concerned Panchayat.

Having considered the facts and circumstances where it appears that the allegation against the petitioner was that of withdrawal of money for paying the same to the dealer for installation of solar system which was not installed but now the dealer has returned the entire amount to the Panchayat as has been accepted by the learned APP, let the petitioner above named in the event of his arrest or surrender within a period of four weeks from today in connection with Dhanaha P.S. Case No. 54 of 2019 be released on bail on furnishing of bail bond of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. Ist, Bagaha, West Champaran, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.



(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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