

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.69879 of 2018

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

Nagendra Yadav, Son of Late Upendra Yadav, Resident of Village- Bhupatti,
Police Station- Babubarhi, District- Madhubani.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Prabhas Ranjan, Advocate
For the Opposite Party : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 07-01-2019 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 and 420/34 of the Indian Penal Code registered in connection with Babubarhi P.S. Case No. 292 of 2017.

3. It is submitted that the petitioner, the then Mukhiya of Gram Panchayat, Bhupatti, has been falsely implicated as he along with Panchayat Secretary was signatories for the purpose of withdrawal of funds for construction under different schemes. It is submitted that as a matter of fact, it was the Panchayat Secretary, who was responsible for the work and by letter dated 12.12.2017 (Annexure-2), Panchayat Secretary has requested the Executive Officer-cum-Block Development Officer to complete the work with reference to the remaining amount of Rs. 1,97,500/- or to refund the said amount. It is submitted that the petitioner is ready to deposit 50% of unadjusted amount of Rs. 1,97,500/- in the learned court below.

4. Having regard to the entirety of the facts and circumstances of the case, in the event of the petitioner's arrest or



surrender before the court below within six weeks from the date of communication of this order, 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 Additional Chief Judicial Magistrate, II, Madhubani in connection with Babubarhi P.S. Case No. 292 of 2017, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and with further conditions--

(i) That provisional anticipatory bail granted to the petitioner shall stand confirmed subject to the condition that the petitioner shall deposit 50% of the unadjusted amount of Rs. 1,97,500/- in the court below.

(ii) That one of the bailors shall be a close relative of the petitioner.

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

(iv) That 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.

(v) That the petitioner shall cooperate 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.

BT/Chandran

(Vikash Jain, J)

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