

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65904 of 2019
Arising Out of PS. Case No.-9 Year-2019 Thana- RISIYAP District-
Aurangabad

- =====
1. MUNNA THAKUR S/o Bhikhar Thakur R/o village- Visaini, P.S.- Risiyap, District- Aurangabad
 2. Vinod Sharma @ Vinod Kumar Sharma S/o Sukhdev Sharma @ Awadheshwar Sharma R/o village- Visaini, P.S.- Risiyap, District- Aurangabad

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioners : Mr. Rakesh Kumar Sinha, Advocate.

For the Opposite Party: Mr. Parmeshwar Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 04-11-2019

Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 409, 420 of the Indian Penal Code registered in connection with Risiyap P.S. Case No. 09 of 2019.

3. It is submitted that the petitioners have been falsely implicated in connection with non completion of Nal Jal Yojna for which Rs. 9,00,000/- had been withdrawn but misappropriated by the petitioners. A supplementary affidavit has been filed, according to which the measurement book discloses work to the extent of Rs. 8,57,364/- having already been completed. It is therefore submitted that there is no misappropriation of money rather it is a case of delay in completion of the work. The petitioners are ward members and claim clean antecedents.

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, Aurangabad in connection with Risiyap P.S. Case No. 09 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 granted to the petitioners shall be confirmed by the learned Court below upon verification within a further period of four weeks after furnishing bail bonds, that the entire subject work of Rs. 9,00,000/- has since been completed or the amount relating to the uncompleted portion, if any, refunded and there are no dues against the petitioners; conversely, their bail bonds shall stand automatically cancelled.

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(Vikash Jain, J)

