

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71503 of 2019**

Arising Out of PS. Case No.-462 Year-2019 Thana- BHABHUA District- Kaimur (Bhabua)

KAPILDEV RAM Son of Late Shiv Nath Ram Panchayat Secretary, Mahuari,
P.S.- Sonhan (Bhabua), District- Kaimur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Singh, Sr.Adv.

For the Opposite Party/s : Dr. (Mrs.) Indihar Kumari

**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER**

3 26-11-2019 Heard learned counsel for the parties.

Petitioner is apprehending his arrest in connection with Bhabua P.S.Case No.462 of 2019 , registered for offences punishable under Sections 467, 468, 471, 419, 420, 205, 193, 219, 120(B), 511/34 of the Indian Penal Code.

As per FIR, there is allegation of defalcation of Rs.3,64,000/- by the *Mukhia* in collusion with the others including the petitioner, who happens to be the then Panchayat Secretary of the Panchayat and Arun Kumar Upadhyay was the then Mukhiya. It further appears that Arun Kumar Upadhyay has approached the Hon'ble Court in Writ Application for payment with respect to installation of the Solar light, in which there was an order for vigilance inquiry.



Submission of the learned counsel for the petitioner is that the main allegation is against Arun Kumar Upadhyay, who was Mukhiya and who got signature of the petitioner also obtained on the cheque but that has not been encashed, which will appear from the inquiry report, which has been submitted by the B.D.O., which is also part of the FIR. Petitioner is ready to co-operate in the investigation if he is granted anticipatory bail. He has also drawn my attention towards the inquiry report which discloses that the main allegation is against Arun Kumar Upadhyay who was earlier Mukhiya of the Panchayat.

Heard learned A.P.P. also.

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioner, above named, in the event of arrest or surrender before the learned court below within a period of three weeks from the date of order, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Kaimur at Bhabua in connection with Bhabua P.S.Case No.462 of 2019 subject to conditions as laid down under Section 438 (2) of the Code of



Criminal Procedure with further condition he has to appear before the I.O. within ten days of his release and co-operate in the investigation.

With the above direction, this application is allowed.

(Vinod Kumar Sinha, J)

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