

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78190 of 2019

Arising Out of PS. Case No.-72 Year-2003 Thana- KUMAR KHAND District- Madhepura

UPENDRA RAJAK Son of Late Chhotakan Rajak Resident of Village/
Mohalla- Professors Colony, Madhepura, Ward No.4, Police Station and
District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mritunjay Kumar

For the Opposite Party/s : Mr.Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 10-01-2020 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for regular bail arises out of
Kumarkhand P.S. Case No. 72 of 2003, disclosing the offences
under Sections 409, 406, 420, 120B, 204, 218, 119 and 34 of the
Indian Penal Code.

The petitioner is in custody since 21.09.2019. At the
relevant point of time, he was posted as Head Clerk cum Accountant
in the office of Block Development Officer, Kumarkhand. He retired
after attaining the age of superannuation in 2014. Allegedly, in
relation to construction of a RCC Bridge over a canal, contractor was
made payment beyond the estimated/sanctioned amount to the tune
of Rs.5,86,100/-. The petitioner was departmentally proceeded
against and a sum of Rs.2,00,000/- has been recovered from him.



Learned counsel appearing on behalf of the petitioner has submitted that the Contractor Suresh Prasad Yadav, a co-accused, was put on trial and he has been acquitted by the court below. It has been argued that since the petitioner is a retired Government Servant, there is no chance of his absconsion, if he is allowed regular bail.

Considering the facts and circumstances as noted above, this application is allowed. Let the petitioner, above-named, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand), with two sureties of the like amount each to the satisfaction of **learned Sub Divisional Judicial Magistrate, Madhepura**, in connection with **Kumarkhand P.S. Case No. 72 of 2003**, subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the court on two consecutive occasions, his bail Bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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