

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3162 of 2020

Arising Out of PS. Case No.-126 Year-2010 Thana- MAHISHI District- Saharsa

Suresh Sada S/o- Late Chalitra Sada Resident of Village- Rauti, P.S.-
Maheshi, District- Saharsa.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nafisuzzoha, Advocate

For the Opposite Party/s : Mr.Bal Mukund Prasad Sinha, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

6 04-06-2020 Heard learned counsel for the petitioner and learned APP
for the State through video conferencing.

The petitioner has filed the instant application for grant of regular bail in connection with Mahishi P.S. Case no. 126 of 2010 registered under sections 409, 420, 406 and 34 of the Indian Penal Code.

As per allegation in the FIR, the list of persons enclosed therein were given a total sum of Rs. 22.73 lacs (approx) as advance for different works but the same remained pending for adjustment. It is thus, stated that including the said amount, a total sum of Rs. 65.45 lacs was defalcated. Further from perusal of the list of persons which forms part of the FIR and the amount given to different persons mentioned against their name, it transpires that a sum of Rs. 1,52,500/- was given to the petitioner.

It is submitted by learned counsel for the petitioner that the allegations as levelled in the FIR are false and concocted. It is categorically stated that the petitioner had completed the work as per the scheme but the said money was not adjusted by the



department and erroneously the petitioner has been implicated as an accused in the case. He has no criminal antecedent and is in custody since 25.9.2019. It is further submitted that a number of co-accused have been enlarged on bail.

The application for bail is opposed by learned APP for the State who submits that the persons who have been granted bail by this Court were granted bail after they deposited the amount alleged to have been defalcated by them in the FIR.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the Court is of the opinion that the petitioner may be given the privilege of bail on similar condition i.e. on deposit of the amount as stated in the FIR against him. The petitioner is directed to be enlarged on bail in connection with Mahishi P.S. Case no. 126 of 2010 on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, II, Saharsa subject to the condition that he deposits a sum of Rs. 1,52,500/- in the learned Court below prior to his release.

(Partha Sarthy, J)

Prakash/-

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