

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.31571 of 2020**

Arising Out of PS. Case No.-129 Year-2019 Thana- CHAUTHAM District- Khagaria

Amar Kumar, an adult male, aged about 36 years, S/o Indradeo Rajak  
Resident of Village-Telauchh, P.S.-Parbatta, District-Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Saket Tiwary, Advocate

For the Opposite Party/s : Mr. A.G

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

2      22-01-2021                      Heard learned counsel for the petitioner and learned  
APP for the State.

The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Chautham P.S.Case No.129 of 2019, registered under sections 420 and 409 of the Indian Penal Code.

As per allegation made in the F.I.R., for a project of the year 2014-15 with respect to construction of road and drain, it is stated that the then Panchayat Secretary withdrew a total sum of Rs.3,02,500/- (Rupees Three lacs two thousand and five hundred only) but he did not complete the aforesaid work and subsequently, after four years, deposited the said amount in the account of the Panchayat on 20.12.2018. It is further stated that on 15.05.2018, the Mukhiya had written a letter with respect to



completion of work.

It is submitted by learned counsel for the petitioner that the allegation levelled against the petitioner who happens to be Mukhiya, is false and incorrect. Even for the sake of argument, if the allegations in the FIR are taken to be true, it is stated that the allegation of withdrawal and depositing of the amount from the government account is on the Panchayat Secretary and not on the petitioner herein.

The application for bail is opposed by the learned APP for the State submitting that not only the Mukhiya is named in the FIR but there is direct allegation against him of giving an incorrect certificate.

Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the parties, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of six weeks from today and in the event of his arrest or surrender in connection with Chautham P.S. Case No.129 of 2019, G.R.No.1571 of 2019, he will be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Khagaria, subject to the



conditions as laid down under section 438(2) of Code of Criminal Procedure.

**(Partha Sarthy, J)**

B.Kr./-

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