

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39083 of 2020

Arising Out of PS. Case No.-46 Year-2020 Thana- BEN P.S. District- Nalanda

Bale Manjhi Son Of Raghu Manjhi Resident Of Mahalla - Jogabigha, P.S. -
Ben, District - Nalanda

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Mishra, Advocate
For the Opposite Party/s : Mr.Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 17-03-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail
in connection with Ben P.S. Case No. 46 of 2020 registered for
the offences under Section 406/509 of the Indian Penal Code.

As per the prosecution story, the informant Block
Development Officer, Ben, Nalanda submitted a written report
to the S.H.O. Ben, Nalanda alleging therein that in Aout
Panchayat, Yogbigha Ward No. 03 under the Chief Minister Sat
Nischay Yojana, there were misappropriation of public fund and
further alleged that in the inquiry several irregularities have
been committed by the accused. On this information the present
F.I.R. has been registered against the accused persons.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this



case. It is submitted that petitioner is named in the F.I.R. because the petitioner is the Chairman of the Implementation and Management Committee of Yojana.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case, wherein it appears that the learned court below has already granted bail to the co-accused Dhananjay Kumar @ Guddu who happened to be the Secretary of the Ward Implementation and Management Committee after recording his undertaking that whatever discrepancies are there in the work, the same will be removed, and the work will be completed, learned counsel for the petitioner has submitted that the petitioner is in jail in connection with this case since 26.07.2020, if released on bail he will complete the remaining work as per the measurement book and the left over work of 646 Sq. ft. shall also be completed, this Court directs release of the petitioner above-named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda, Bihar Sharif, in connection with Ben P.S. Case No. 46/2020, subject to the condition as laid down under



Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

Further condition that the informant who is the Block Development Officer, Ben, Nalanda shall ensure that the remaining work is completed by the petitioner in terms of the undertaking given by the Secretary of the Committee and this petitioner. If the work is not completed it will be open for the Block Development Officer, Ben, Nalanda to file appropriate application for cancellation of bail bond of the petitioner.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of



bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

