

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.138 of 2021**

Arising Out of PS. Case No.-142 Year-2019 Thana- KUNDWACHAINPUR District- East
Champaran

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NAGENDRA RAUT SON OF LATE BENI RAUT R/O VILLAGE-
GORGAWA, P.S.- KUNDWA, CHAINPUR, DISTRICT- EAST
CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Karandeep Kumar, Adv.

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 14-07-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

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 Kundwan Chainpur P.S. Case No. 142 of 2019

registered for the offences punishable under Sections 406, 409

and 34 of the Indian Penal Code.

As per the prosecution story, the informant who is the

Block Development Officer of Dhaka Block has alleged that

during inspection it has been found that the President and the



Secretary of Ward Kriyanwayan and Prabandhan Samiti of Ward No. 2 Jatwalia misappropriated the funds allotted under Nal Jal Scheme. It has further been alleged that work of Nal Jal Scheme has been done with poor materials and on perusal of the passbook, it has been found that the amount for the same has been withdrawn and has been defalcated by the accused persons.

Learned counsel for the petitioner submits that although there is an allegation of misappropriation of public money, in the FIR it has come that in the name of this petitioner a sum of Rs.2 lacs has been withdrawn which the petitioner is ready to deposit in the learned court below subject to result of the case.

Learned APP for the State has though opposed the prayer for regular bail of the petitioner, considering the facts and circumstances of the case wherein this petitioner has remained in jail in connection with the present case since 04.07.2020 and at this stage he is ready to deposit Rs.2 lacs to show his bonafide subject to result of the case in the learned court below, this Court is inclined to release the petitioner on bail.

Let the petitioner above named be released 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 S.D.J.M., Sikaraha at Dhaka, East Champaran at Motihari in connection with Kundwa Chainpur P.S. Case No. 142 of 2019 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.

And further condition that while submitting the bail bond the petitioner shall deposit a sum of Rs.2 lacs in the learned court below under the appropriate head as per the order of the learned court below and the same will be subject to result of this case.

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 of accordingly.

(Rajeev Ranjan Prasad, J)

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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'.

