

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40654 of 2020

Arising Out of PS. Case No.-105 Year-2020 Thana- WAJIRGANJ District- Gaya

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JITENDRA RAM, Son of Munsiri Ram, Resident of Village - Kurmawan, P.S.
- Barachatti, Distt. - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sumeet Singh, Adv.
Mr. Amarendra Kumar Singh, Adv.
For the Opposite Party/s : Ms. Asha Devi, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 17-06-2021 Heard Mr. Sumeet Singh, the learned Advocate for

the petitioner and Ms. Asha Devi, the learned APP for the

State.

The petitioner seeks bail in anticipation of his
arrest in connection with Wazirganj P.S. Case No. 105 of
2020, instituted for the offences under Sections 420, 406,
409 and 34 of the Indian Penal Code.

The accusation against the petitioner and another
is of having misappropriated an amount of Rs. 2,01,418/-,
which was meant to be spent on a government scheme.

The learned counsel for the petitioner has



submitted that, in fact, the money, which could not be spent under the scheme, has been returned and out of the amount which was to be returned to the Government Treasury, Rs. 1,70,000/- has already been returned. It has been pointed out on behalf of the petitioner that even though the accusation is against him, in his capacity as *Panchayat Secretary*, and the *Mukhiya* but out of Rs. 1,70,000/-, he has paid Rs. 1,40,000/-, whereas only Rs. 30,000/- has been paid by the *Mukhiya*. It has further been submitted that after the payment of the aforesaid amount, a further amount of Rs. 2,00,000/- and odd is required to be paid.

The learned counsel for the petitioner submits that at best, even under protest, if the balance amount is to be apportioned in between the accused persons, he would not be required to pay more than fifty percent of the amount as he is a lower functionary comparing to the *Mukhiya*.

Such apportionment is not the concern of this Court.

However, taking into account the stand of the petitioner that he is ready to deposit a further amount of Rs.



50,000/- but subject to his rights and contentions to defend himself later, this Court deems it appropriate to exercise its discretion for granting anticipatory bail to him.

The petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of eight weeks and on producing a proof of deposit of Rs. 50,000/- by way of a draft payable to the Backward Regions Grant Fund (BRGF), is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya, in connection with Wazirganj P.S. Case No. 105 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands disposed off accordingly.

(Ashutosh Kumar, J)

Praveen-II/-

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