

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 1363 of 2021

Arising Out of PS. Case No.-5 Year-2020 Thana- KARAMCHAT District- Kaimur (Bhabua)

LAKSHUMAN DHOBBI @ LAKSHUMAN BAITHA Son of Bhola Dhobi
Resident of Village - Nawadih, P.S.- Karamchat, Distt.- Kaimur (Bhabua).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr Vikram Deo Singh, Mr Pawan Kumar Singh, Advocates
For the Opposite Party/s	:	Mr Anil Kumar Singh No 1, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 08-04-2021 This case has been taken up for consideration today
through Video Conferencing.

Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in Karamchat Police Station
(for brevity, *PS*) Case No 5 of 2020 dated 04.02.2020 instituted
for the offence punishable under Sections 353, 409, 420/34 of
Indian Penal Code.

There is alleged misappropriation of an amount of
nearly Rs 5 lacs while executing the Water Supply Infrastructure
Scheme.

Learned counsel for the petitioner submits that his
implication is for the fact that he is the Ward Commissioner. It



is further submitted that the estimated cost of the work was nearly Rs 21 lacs. The amount of Rs 12 lacs only was withdrawn under the signature of the petitioner as President of the Managing Committee for which works for nearly Rs 16 lacs were executed. In support of such submission, the petitioner has placed on record extract of the Measurement Book. The remaining amount is pending, for dues to be paid to the labourers etc and, therefore, there is no misappropriation whatsoever. Further submission is of false implication on extraneous considerations as the petitioner has not fulfilled certain demands made by certain officials for which he has been implicated. Falsity is further evident from the fact that none of the villagers have come forward to make any allegation regarding any lapse in the execution of Drinking Water Supply Works. The petitioner bears a clean antecedent and is in custody since 04.09.2020.

Learned APP has opposed the prayer for bail.

In view of the aforesaid circumstances, prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, First Class, Bhabhua (Kaimur) in



Karamchat PS Case No 5 of 2020 dated 04.02.2020 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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