

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1855 of 2021

Arising Out of PS. Case No.-124 Year-2019 Thana- KASHICHAK District- Nawada

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MUKESH KUMAR Son of Gorelal Singh Resident of Village - Rebra,
Jagdishpur, Police Station - Kashichak, District - Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate
		Mr. Birendra Kumar, Ms. Preety Kunwar
For the Opposite Party/s :		Mrs. Renu Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 09-09-2021 Heard learned counsel for the petitioner and learned APP
for the State through virtual mode.

The present matter has been taken up out of turn on the mentioning slip filed on behalf of the petitioner stating therein that the the petitioner is a candidate of Mukhiya and the nomination paper for the Panchayat Election is to be filed by him. Let the mentioning slip filed on behalf of the petitioner be kept on record.

Learned counsel for the petitioner is directed to remove the defects, as pointed out by the Office, within a period of four weeks after restoration of normalcy.

The petitioner is apprehending his arrest in a case registered under Section 406, 409, 420 and 34 of the Indian Penal Code.

The prosecution case, in short, is the accused persons had



not deposited the required paddy to the S.F.C. and defalcated a sum of Rs. 21,45,975/-.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has been made accused due to mistake of fact. There is alleged misappropriation of approximately a sum of Rs. 21,45,000/-. The petitioner is said to be the Chairman of the PACS at the relevant time. It has been submitted on behalf of the petitioner that he has already deposited an amount of Rs. 5 lakhs before the Nawada Central Cooperative Bank Ltd. It is further submitted that the petitioner is ready to deposit a sum of Rs. 10,00,000/- (ten lakhs) in the court below which shall be subject to the final disposal of the case. The petitioner further submits that amount of Rs. 5 lakhs will be deposited by him within a period of four weeks and the remaining five lakhs will be deposited by him within a period of another four weeks thereafter in the Court below. The entire amount deposited by the petitioner may be subject to the final disposal of the case.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, **on deposit of a sum of Rs. 5,00,000/- (five lakhs) in the Court below within a period of four weeks which shall be subject to final disposal of the case**, the petitioner, above named, be released on



provisional bail on his personal bond to the satisfaction of learned A.C.J.M. -III, Nawada in connection with Kashichak P.S. Case No. 124 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

The **remaining Rs. 5,00,000/- (five lakhs) shall be deposited by the petitioner within a period of another four weeks which shall be subject to final disposal of the case.** If the petitioner deposits the entire amount of Rs. 10,00,000/- (ten lakhs) in the manner as indicated above in the Court below within a period of eight weeks, the provisional bail granted to the petitioner shall be confirmed by the Court below. If the petitioner fails to do so, the provisional bail granted to the petitioner shall be cancelled by the Court below itself.

(Sudhir Singh, J)

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