

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41167 of 2020

Arising Out of PS. Case No.-229 Year-2019 Thana- KHIJARSARAI District- Gaya

DOMAN RAM Son of late Sukhari Ram Resident of Village - Naugarh, P.S.-
Khizersarai, Dist.- Gaya. Petitioner/s

Versus

THE STATE OF BIHAR Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Nitya Nand Tiwari, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 19-03-2021 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has filed the instant application for grant of regular bail in connection with Khizersarai P.S. Case no. 229 of 2019 registered under sections 406, 409 and 34 of the Indian Penal Code.

As per allegation in the FIR, petitioner happens to be the ward secretary. It is stated that a sum of Rs. 10,54,000/- was given for carrying out some project work which was to be completed within three months. The amount was misappropriated by the accused persons including the petitioner herein and thus the FIR.

It is submitted by learned counsel for the petitioner that the petitioner happens to be the ward secretary. The allegation of misappropriation of government fund is false and



incorrect which would be evident from perusal of the FIR itself. Referring to the letter dated 3.8.2019, written by the Block Development Officer, Khizersarai to the Panchayat Sachiv, Gram Panchayat- Bihta, it is submitted that from perusal of the same, it transpires that it has clearly been mentioned therein that the boring had been done at 180 feet instead of 300 feet and 6” pine line was fixed under the earth which was not in accordance with the agreement/guideline. It is thus submitted that from the letter as also report of the Junior Engineer itself it would transpire that there is admission that work has been done by the petitioner, and dispute can only be raised with respect to the discrepancy in the work. The petitioner is in custody since 17.2.2020 and has no criminal antecedent.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the petitioner together with the period in custody, the Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Khizersarai P.S. Case no. 229 of 2019 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the



like amount each to the satisfaction of the learned A.C.J.M-IV,
Gaya.

(Partha Sarthy, J)

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