

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40882 of 2020

Arising Out of PS. Case No.-81 Year-2020 Thana- LADANIA District- Madhubani

Ganga Nath Son of Sri Suresh Kumar Mandal Resident of Village- Salimpur
Ahara, P.S.- Rupaspur, District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Rohit Kumar Sharma, Advocate
For the State	:	Mr. Anant Kumar No. 1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 09-03-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner has filed the instant application for grant of regular bail in connection with Ladania P.S. Case no. 81 of 2020 registered under sections 409, 420 and 34 of the Indian Penal Code.

As per allegation in the F.I.R., it is stated that a sum of Rs. 13 lacs was given to the petitioner under the Nal Jal Yojna for carrying out the work, however in spite of taking the said amount the accused persons including the petitioner herein have disappeared and they have not completed the work. It is further stated that subsequently it was assured by the petitioner that the work would be completed after the marriage of his sister and for this purpose an agreement was also entered into according to



which the work was to be completed within three months.

It is submitted by learned counsel for the petitioner that substantial portion of the work was completed and for some work which was left, the petitioner is still ready that he will complete the work as soon as he is released from the custody. It is further submitted that even as per the material that has transpired the witnesses agreed that more than 70 % of the work has been completed. The dispute is one of calculation and the petitioner who has no criminal antecedent is in custody since 05.10.2020.

The application for bail is opposed by learned A.P.P. for the State who submits that as per the statement of the witnesses recorded under section 161 of the Cr.P.C. at best only 65 to 70 % of the work has been completed against the advance of Rs. 13 lacs given to the petitioner. It is thus submitted that accepting the contention on behalf of the petitioner that nearly rupees one lac was not given to him, the work worth rupees three lacs (approx) still has not been completed.

Having heard learned counsel for the parties and in the facts and circumstances of the case including the petitioner having remained in custody since 05.10.2020, it is directed that the petitioner shall be enlarged on bail in connection with



Ladania P.S. Case no. 81 of 2020 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 Chief Judicial Magistrate, Madhubani, subject to the following conditions:-

(i) The petitioner shall deposit a sum of Rs. 3 lacs through a fixed deposit in the learned court below, which deposit shall be subject to the result of the instant case/trial.

(ii) The petitioner shall co-operate with the investigating agency as also in course of trial.

(Partha Sarthy, J)

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