

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13344 of 2022

Arising Out of PS. Case No.-617 Year-2020 Thana- KAHALGAON District- Bhagalpur

Manoj Yadav @ Manoj Kumar Yadav (Male), aged about 50 years, Son of Mr. Kedar Pd. Yadav, Resident of Village- Ramjanipur, P.S.- Shivnarayanpur, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
Mr. Udbhav, Advocate
For the Opposite Party/s : Mr. Ajit Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 27-07-2022 Heard Sri Ajay Kumar Thakur along with Sri Udbhav, learned counsel appearing on behalf of the petitioner and Sri Ajit Kumar, learned APP appearing on behalf of the State.

2. Petitioner, who is in custody since 26.12.2021, seeks regular bail in connection with Kahelgaon (Shivnarayanpur) P.S. Case No. 617 of 2020 dated 04.10.2020 registered for offences punishable under Sections 420 and 406/34 of the Indian Penal Code.

3. Sri Ajay Kumar Thakur, learned counsel appearing on behalf of the petitioner submits that in light of the enquiry report as well as the pleadings made in the counter affidavit, he may be permitted to approach the District Magistrate, Bhagalpur



for getting the details of the amount which is alleged to have been misappropriated by the petitioner to finally get it settled. He further submits that his client is willing to settle the amount to get rid of the present criminal case pending against him. He further submits that petitioner is ready to abide by any terms and conditions as imposed by this Court if he is released on provisional bail.

4. Sri Ajit Kumar, learned A.P.P. appearing on behalf of the State submits that counter affidavit has been filed on behalf of the Collector, Bhagalpur in compliance of order dated 14.06.2022. Specific allegation has been made against the petitioner with respect to misappropriation of government fund by the petitioner, who was the then secretary of Ward Implementation and Management Committee (WIMC) and had transferred Rs. 6,07,500/- in the A/C No. 36260110041043 of Bihar Gramin Bank but could not show as to whom the payments were made. The allegation against the petitioner is serious causing loss of public money and work remained incomplete.

5. In light of the specific submissions made by the learned counsel appearing on behalf of the petitioner, the petitioner, above named, is directed to be released on



provisional bail for a period of 60 days (sixty days) on furnishing bail bond of Rs. 25,000/- with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Kahelgaon (Shivnarayanpur) P.S. Case No. 617 of 2020 with a condition that he will take all steps to settle the alleged misappropriated amount dues to the State Government on account of non-completion of the work. For this purpose, he shall appear before the District Magistrate, Bhagalpur, who will provide the details of the account and the amount payable by the petitioner within a period of 30 days (thirty days) and allow the petitioner further 30 days (thirty days) time to make payment of the entire amount in the government treasury.

6. The District Magistrate, Bhagalpur on being satisfied by such payment of the entire amount, which has allegedly been misappropriated by the petitioner issue 'No Dues Certificate' forthwith after the amount being deposited by the petitioner.

7. The petitioner is directed to file petition before the Court below annexing 'No Dues Certificate' duly issued by the District Magistrate, Bhagalpur.

8. On receipt of such 'No Dues Certificate', the



provisional bail of the petitioner shall be made absolute and on failure, his bail bond shall be cancelled.

9. It is made clear that the above exercise must be completed by the petitioner and the District Magistrate, Bhagalpur within the aforesaid period in the manner indicated above.

10. Accordingly, the present bail application stands disposed of.

(Purnendu Singh, J)

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