

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16130 of 2022

Arising Out of PS. Case No.-145 Year-2021 Thana- KEWATI District- Darbhanga

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AJIT KUMAR MAHTO Son of Rajendra Prasad Resident of Ward No.08,
Kobi Chauk, P.S.- Bhagwatipur, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 17571 of 2022

Arising Out of PS. Case No.-145 Year-2021 Thana- KEWATI District- Darbhanga

1. RAMADHAR BHANDARI Son of Late Pachkauri Bhandari Resident of Village - Pittho, P.s.- Keoti, Distt.- Darbhanga.
2. Vijay Kumar Yadav Son of Suresh Yadav Resident of Village - Pittho, P.s.- Keoti, Distt.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 16130 of 2022)

For the Petitioner/s : Mr.Ranjit Kumar Yadav

For the Opposite Party/s : Mr.Ganesh Prasad Singh

(In CRIMINAL MISCELLANEOUS No. 17571 of 2022)

For the Petitioner/s : Mr.Manish Kumar No2

For the Opposite Party/s : Mr.Parmeshwar Mehta

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 29-08-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

Petitioners seek bail in a case registered for the



offences punishable under Sections 406, 409, 420/34 of the Indian Penal Code.

According to prosecution case, in short, is that the informant is Panchayat Sachiv in Sadar Block, Darbhanga and he was deputed at Gram Panchayat Raj Basudeopur and in his panchayat Mukhaya Mantri Gram Payjal Nischay Yojana is going on. In village Pitho under Panchayat of Basueopur is selected for financial year 2018-19 for the said scheme and on the direction of the Government the amount of Rs.18,31,900/- was transferred on 27.02.2019 in the account of Ward Working and Management Samitee and only work of Rs.4,14,190/- was done as per measurement book of Junior Engineer and therefore Yojna is incomplete and senior officer inspected the P.O. and thereafter B.D.O. Sadar Darbhanga ordered to filed F.I.R. against Ward Member Sri Ram Adhar Bhandari and Member Sachiv Vijay Kumar Yadav.

Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that in fact the petitioner no.1 is not named in the F.I.R. and the name of the petitioner transpired during investigation. He further submits that petitioner no.1 provided material as per demand of



Management Committee. Learned counsel in Cr. Misc. No. 17571 of 2022 submits that in fact the petitioner no.1 is a Ward Member and petitioner no.2 is the Member Secretary of the said Panchayat. He further submits that Ajeet Kumar Mahto who is selected as the supplier and he is responsible for all the allegation as alleged in the F.I.R. and petitioners have no concern at all with the money in question. The petitioner in Cr. Misc. No. 16130 of 2022 is in custody since 29.12.2021 and petitioner no.1 and 2 in Cr. Misc. No.17571 of 2022 are in custody since 18.12.2021 and 29.12.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail, **after framing of charge**, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Keoti P.S. Case No. 145 of 2021, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present



as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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