

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18881 of 2022

Arising Out of PS. Case No.-726 Year-2020 Thana- MAHUA District- Vaishali

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BINKU KUMAR, CHAUDHARY Son of Shiv Sagar Chaudhary Resident of
Village - Jahangirpur Salkhanni, P.S.- Mahua, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar

For the Opposite Party/s : Mr. Parmeshwar Mehta

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

3 08-08-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Mahua
P.S. Case No. 726 of 2020, dated 22.12.2020, registered
for the offences punishable under Sections 409 and 420 of
the Indian Penal Code.

As per allegation, in execution of work of *Nal Jal*
Yojana in the Village – Jahangirpur Salkhanni, under Ward



No. 07, gross irregularities were found, as an amount of Rs. 12,00,000/- were transferred to Gram Panchayat for completing the aforesaid work but only part work had been completed.

The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He also submits that the alleged offence, in fact is not an offence and the alleged facts constitute a dispute of civil nature. In case informant has any grievance, he should have rescinded the contract or should have approached the Civil Court of competent jurisdiction. He further submits that the whole amount allotted by the Government to the assigned work is given to Panchayat Execution Committee and money from this account has been used only for purchasing of some articles/goods or for payment to the contractor for labours and no single pie has been withdrawn for any other purposes.

He also submits that a supplementary affidavit along with the copy of the certificates of concerned B.D.O./informant, has been filed, showing that the petitioner



has completed the work and the difference amount has been deposited in the account of Gram Panchayat.

The petitioner has been languishing in jail since 17.01.2022.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has no criminal antecedent.

However, the learned APP for the State opposes the prayer for bail.

Considering the aforesaid facts and circumstance, particularly the period of custody, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Vaishali at Hajipur, in connection with Mahua P.S. Case No. 726 of 2020, on the following conditions:

- (i) The petitioner will make himself available for



interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.



The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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