

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20423 of 2022

Arising Out of PS. Case No.-289 Year-2021 Thana- MADANPUR District- Aurangabad

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ARUN KUMAR SINGH Son of Late Raghunandan Singh Resident of
Village- Kamat, P.S.- Madanpur, District- Aurangabad (Bihar)

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs.Leelawati Kumari, Adv.

For the Opposite Party/s : Mr.APP.

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 24-08-2022 The present matter has been taken up for hearing as
the same has been listed under the heading “To Be Mentioned”.

Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Madanpur P.S. Case No. 289 of 2021 registered for the offences
punishable under Sections 420, 406, 409, 120(B) of the Indian
Penal Code.

As per prosecution case, there is allegation of
embezzling the amount withdrawn by the Chairman of Ward



Management and Implementation Committee of Ward No. 9 of Gram Panchayat Erki Kala, namely, Arun Kumar Singh (petitioner) and Secretary Ravi Ranjan Kumar for the purpose of constructing drainage and PCC.

Learned counsel for the petitioner submits that petitioner is in custody since 27.02.2022 as mentioned in the impugned order. Petitioner bears one criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel by filing supplementary affidavit submitted that petitioner is ready to pay the amount of Rs. 2,71,379/- in two installments. The amount of Rs. 1,35,689/- as first installment will be paid before furnishing bail bond and second installment will be paid after one month. He further submits that co-accused Ravi Ranjan Kumar has already been granted provisional anticipatory bail after depositing the amount of Rs. 1,00,000/- in the account of concerned Panchayat as first installment and rest amount of Rs. 1,71,379/- shall be deposited after four months and the case of present petitioner stands on similar footing.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case



as well as positive attitude of the petitioner regarding making payment of Rs. 2,71,379/- in two installments, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad (Bihar) in connection with Madanpur P.S. Case No. 289 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(iv) Petitioner shall abide by the affidavit filed by



him regarding making payment of Rs. 2,71,379/- in two installments.

(v) However, if petitioner violates any of the conditions as enumerated above, the court below is at liberty to cancel the bail bond of the petitioner.

(Alok Kumar Pandey, J)

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