

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29738 of 2021

Arising Out of PS. Case No.-7 Year-2020 Thana- DHANGAI District- Gaya

SANTOSH KUMAR @ SANTOSH KUMAR YADAV Son of Surendra
Yadav Resident of Village- Hahehari, P.S.- Dhangai, District- Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar, Advocate Mr. Priya Ranjan, Advocate Mr. Mukesh Kumar, Advocate
For the Opposite Party/s	:	Mr. Uday Pratap Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

9 12-04-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner, who is in custody since 29.12.2020,
seeks regular bail in connection with Dhangai P.S. Case No. 07
of 2020, for the offence punishable under Sections 409 and 420
of the Indian Penal Code.

The prosecution story, in brief, is that on the written
information by Panchayat Sachiv Sri Ramvilas Singh Yadav,
Gram Panchayat Patluka, whereby he, as per the direction given
to him through letter No. 239, dated 12.02.2020 of the District
Panchayati Raj Officer and letter no. 209, dated 15.02.2020 of



Block Development Officer Barachatti Gaya, has requested the SHO Dhangai P.S. to lodge F.I.R. against accused Santosh Kumar, Ward Sachiv Gram Panchayat Patluka for fraudulently withdrawing Rs. 2,70,000/- of 'Saat Nischay Yojna' from the account of WLMC and depositing it in his personal account and thereby misappropriating the public money.

Sri Sanjeev Kumar, learned counsel appearing on behalf of the petitioner submits that, without going into the merits of the case, he undertakes before the Court on behalf of the petitioner that, as per instruction, he will deposit 50% of the total amount due (i.e. 1,35,000/-) by way of bank draft. Sri Uday Pratap Singh, learned A.P.P. for the State has no objection if 50% of the total amount is deposited by way of bank draft or cheque before the Court below petitioner may release on provisional bail.

Considering the aforementioned facts and circumstances of the case and the undertaking given on behalf of the petitioner, the petitioner, above named, is directed to be enlarged on **provisional bail** on furnishing bail bond of Rs. 25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Chief Judicial Magistrate, Sherghati, Gaya in connection with Dhangai P.S. Case No. 07 of 2020, subject to the condition that if 50% of



the total amount is deposited by way of bank draft or cheque before the Court below along with the bail bond, the petitioner shall be released on provisional bail on such terms and conditions as fixed by the learned Court below.

The provisional bail of the petitioner shall be confirmed after depositing of the remaining amount, it has been agreed on behalf of the petitioner that remaining amount shall be deposited before the Court below within two months after the release of the petitioner.

It has been submitted by Sri Uday Pratap Singh, learned Addl. P.P. for the State that if the petitioner deposits the entire amount of Rs. 2,70,000/- within the stipulated period there will not no requirement to initiate a certificate proceeding against the petitioner. The Statement made in paragraph No. 12 of the counter affidavit is clarified to that effect, where there is only contemplation of initiation of certificate proceeding has been informed to this Court.

With the aforesaid observations and directions, this application is disposed of.

(Purnendu Singh, J)

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