

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33554 of 2021

Arising Out of PS. Case No.-68 Year-2019 Thana- ANDHRAMATH District- Madhubani

SATYA NARAYAN MAHRA S/O DUKHI MAHRA R/O VILLAGE-
LACJMANIYA, P.S LADANIA, DISTRICT-MADHUBANI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ansul, Adv.
		Mr. Shivnandan Bharti, Adv.
For the Opposite Party/s	:	Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

8 18-05-2022 Heard Mr. Ansul, learned counsel for the petitioner and Mr. Umanath Mishra, learned Additional Public Prosecutor appearing for the State.

Learned counsel for the petitioner by way of filing supplementary affidavit has fairly stated that petitioner has got three criminal antecedents whereas in para-3 of the petition, it has been stated that petitioner has only one criminal antecedent.

Petitioner seeks regular bail in connection with Andhramath P.S. Case No. 68/2019 registered for the offences punishable under Sections 406, 409 and 420/34 of the Indian Penal Code.

At the relevant point of time the petitioner was Panchayat Secretary of Dharhara Gram Panchayat between



2011-15 and the allegation is that he in connivance with the other accused persons withdrew money of Gram Panchayat to the tune of Rs.2,07,500/-, 87,500/- and 1,65,000/- for execution of development scheme of Gram Panchayat but the work was not executed properly by the petitioner and other accused persons and the money withdrawn was defalcated.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case and he has not committed any offence in the manner alleged. He further submits that a Certificate Proceeding was initiated against the petitioner and the Mukhiya being Certificate Case No. 1/2019-20 and learned Certificate Officer, after taking into consideration all aspects of the matter, has found that the petitioner was liable to pay a sum of Rs.2,95,000/-. He next submits that the petitioner is ready to deposit a sum of Rs.2,95,000/-(Two lac ninety five thousand only) in two installments in the account of Panchayat or its successor, if any, without prejudice to his right and contention. The petitioner is in custody since 05.12.2020. Learned counsel next submits that similarly situated accused person, namely, Bindeshwar Safi @ Bindeshwar Rajak has been granted bail by this Court on 17.05.2022 itself *vide* Criminal Miscellaneous No.71759 of 2021.



Regards being had to the submission made by the parties and taking into consideration the materials on record and the fact that petitioner is ready to deposit a sum of Rs. 2,95,000/- in two installments in the account of Panchayat or its Successor, if any, I am inclined to grant provisional bail to the petitioner subject to deposit of the first installment i.e., half of the aforesaid amount in the Panchayat or its successor immediately.

Accordingly, let the petitioner, above named, be released on provisional bail for three months on furnishing bail bond of Rs.20,000/-(Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jhanjharpur, in connection with Andhramath P.S. Case No. 68/2019.

It is pertinent to mention here that at at the time of furnishing bail bonds, the learned court below will satisfy itself that the petitioner has already deposited half of a sum of Rs.2,95,000/-(Rupees two lac ninety five thousand only) in the account of Dharhara Gram Panchayat or its successor, if any.

Thereafter, on the deposit of second installment i.e., other half of a sum of Rs.2,95,000/-(Rupees two lac ninety five thousand only), bail bond of the petitioner shall be confirmed by



the court below itself.

(Anil Kumar Sinha, J)

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