

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27111 of 2022

Arising Out of PS. Case No.-13 Year-2021 Thana- KAJRA District- Lakhisarai

Arbind Ram, S/o Karu Ram R/o village- Mandanpur, P.S.- Kajra, District-
Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Adv.

For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-08-2022 When the case was called out, prayer for pass over
was made.

The case is registered under Sections 406/409 of the
Indian Penal Code in connection with Kajra P.S. Case
No.13/2021.

As per the allegation in the FIR, the informant is
Panchayat Secretary of Madanpur Gram Panchayat, who
submitted a written report before the Officer Incharge of Kajra
Police Station alleging under ‘Mukhyamantri Payjal Nischay
Yojana’, altogether Rs.18,31,900/- was granted by the accuseds
to M/s Gulabi Enterprises but the work was not executed and in
this way the money was misappropriated. After the matter has
came to light, as the direction of the Block Development
Officer, Surajgarha, the FIR was registered against the accused
persons and instruction have further been received for refund of



amount through the letter no.2244 dated 31.12.2020 (2) Letter No.42 dated 07.01.2021 and (3) Letter No.43 dated 07.01.2022.

As per the statement made in the bail petition, petitioner is the Ward Secretary of Ward No.1, a Gram Panchayat Raj Madanpur and had received the amount under 'Mukhyamantri Payjal Nishchaya Yojana'. Thereafter, agreement was made between the petitioner and Gulabi Enterprises and as per the averment, as the Gulabi Enterprises failed to execute the work within the time frame, legal notice was sent to it followed by complaint case against the said Gulabi Enterprises.

The further averments in the said application is that in such cases where the amount was received and work was under execution, only after the proper bill is submitted and the same is ascertained that it can be said that whether the work has been completed according to the payment or not. In no case, any case is made out under Sections 406, 409 of the Indian Penal Code against the petitioner and for the said act, he is in custody since 26.02.2022.

Be that as it may, the petitioner is in custody since 26.02.2022, the charge sheet stands submitted and he has no criminal history and ultimately he has to face the trial, this Court



is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.25,000/-(Rupees Twenty Five Thousand) with two sureties of the like amount each in connection with Kajra P.S. Case No.13/2021 to the satisfaction of learned S.D.J.M., Lakhisarai, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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