

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27945 of 2022

Arising Out of PS. Case No.-27 Year-2022 Thana- BARBIGHA District- Sheikhpura

Mritunjay Kumar, Son of Brahamdeo Mahto, R/O Village- Ghat Kusumbha,
P.S.- Korma, District- Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rakesh Kumar Sharma, Advocate Mr.Dinkar Kumar, Advocate
For the Opposite Party/s :		Mr.Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 01-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Barbigha (Keoti O.P.) P.S. Case No. 27 of 2022, registered for the alleged offences under Sections 406, 409, 420, 467, 468, 471 and 34 of the Indian Penal Code.

The allegation against the petitioner is that he along with other co-accused persons withdrew the money from MGNREGA Scheme in the name of deceased card holders.

Learned counsel for the petitioner submits that the



petitioner has not defalcated or misappropriated any amount. For this misappropriation, the other co-accused persons are responsible. However, the petitioner and others have deposited the amount said to be misappropriated, i.e. Rs.89549/- in the contingency fund of MGNREGA Scheme at Barbigha. The charge sheet has been submitted in this case and the petitioner is in custody since 25.03.2022 and is having clean antecedent.

Learned APP opposes the prayer for bail. However, he concedes that the misappropriated amount has been deposited.

Having regard to the submissions made hereinabove and considering the fact that the misappropriated amount has been deposited by the petitioner and others and further considering the submission of charge sheet and the period of custody of the petitioner, he is directed to be released on bail 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, Sheikhpura, in connection with Barbigha (Keoti OP) P.S. Case No. 27 of 2022, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.



(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

(Arun Kumar Jha, J)

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