

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28469 of 2022

Arising Out of PS. Case No.-112 Year-2017 Thana- HULASGANJ District- Jehanabad

Ashok Kumar Son of Sri Ramashankar Sharma Resident of Village - Birra,
P.S. - Hulasganj, District - Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-06-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 406, 409 and 420 of the Indian Penal Code.

As per prosecution case, in brief, is that informant Bibha Kumari Block Co-operative Extension Officer, Hulasganj has alleged in her written report lodged with S.H.O. of Hulasganj Police Station on 21.09.2017. That she has been directed by the District Co-operative Officer to lodge F.I.R. against this petitioner for misappropriation of Rs. 6,62,301/-



which relates to construction of godown. Informant has alleged that this accused received Rs. 20.25 lakhs for the construction of godown but upon measurement of work it was found that work of Rs. 13,62,699/- has been done thereafter notice was sent to this petitioner by the District Co-operative officer but this petitioner gave no response to the notice.

Learned counsel for the petitioner submits that the petitioner had filed Cr. Misc. No. 67741 of 2021 but the same was dismissed as withdrawn with liberty to file a fresh application.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He further submits that in fact the petitioner has received Rs. 20.25 lakhs for construction of godown and it is admitted fact that the petitioner has done work to the tune of Rs. 13,62,699/-. He further submits as per allegation Rs. 6,62,301/- is with the petitioner. Learned counsel for the petitioner further submits that in fact the petitioner is admitted that the petitioner has Rs. 6,75,000/- in hand and petitioner is ready to complete the work in question. The petitioner is in custody since 14.10.2020.

Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one



more case other than the present one.

Considering the facts and circumstances of the case, 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 Court below where the case is pending in connection with Hulasganj P.S. Case No. 112 of 2017, with the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order



shall not be delayed for purpose of or in the name of verification.

(4) The petitioner must complete the work within six months.

(Rajesh Kumar Verma, J)

Ibrar//-

U		T	
---	--	---	--

