

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31650 of 2022

Arising Out of PS. Case No.-184 Year-2021 Thana- PAKRIDAYAL District- East Champaran

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ASHOK KUMAR SINGH S/O LATE RAMDEO SINGH R/o village-
Baraharakh (Harakhbarah), P.S.- Pakaridayal, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Madhurendra Kumar

For the Opposite Party/s : Mr.Navin Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 25-08-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for

the offences punishable under Sections 406, 420 and 409 of the

Indian Penal Code.

As per allegation there was going construction work

of **Nal jal Yojna** in ward no.6 and the same was being

monitored by the ward management committee and the

petitioner was bound to supply construction materials and in this

regard he was paid Rs 12 lakh through different cheques but he

misappropriated the said amount and did not supply required

materials and accordingly, he embezzled Rs 7 lakh out of the



said amount.

The main submissions advanced by Sri Madhurendra Kumar, the learned counsel for the petitioner are that petitioner was only bound to supply construction materials on construction site, though at the time of institution of the case, required material was not supplied but after institution of this case, he has supplied the construction materials and laches on his part in not supplying the materials happened due to Covid-19 and same was not done deliberately by the petitioner and in this regard, concerned committee have filed an affidavit before the court below and the petitioner has been languishing in jail since 25.2.2022.

Sri Navin Kumar Pandey, learned APP appearing for the State has opposed the prayer for bail.

Heard both sides and perused the FIR. As per allegation of FIR petitioner did not supply the required materials with regard to alleged construction work but now he has taken plea that required materials have been supplied by him after institution of the case and work has been completed and in this regard concerned members of the management committee have filed affidavit before the court below. The said plea has not been refuted by the prosecution.

Considering the said plea of the petitioner as well as



his custody period, in the opinion of this court, a lenient approach can be taken in respect of the petitioner. Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, East Champaran at Motihari in Pakaridayal P.S Case No. 184 of 2021.

(Shailendra Singh, J)

s.hassan/-

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