

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31597 of 2022

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

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ASHOK KUMAR TANTI SON OF LATE BANGALI TANTI R/O
VILLAGE- MADANPUR, P.S.- KARJA, DISTRICT- LAKHISARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rabi Bhushan, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 31-08-2022 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in a case registered for
the offence under Sections 406 and 409 of the Indian Penal
Code.

According to the prosecution, the government
money to the tune of Rs. 18,31,900/- of Mukhymantri Payjal
Nischay Yojana is said to have been misappropriated by the
petitioner and others.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case. He
further submits that according to the F.I.R., Chairman and



Secretary of Ward Nos.1, 3 and 5 have been made accused in this case for the defalcation of government money to the tune of Rs. 18,31,900/- but the petitioner happens to be Secretary of Ward No. 3, Gram Panchayat of Mandanpur and the Chairman of ward No.3 of the said Panchayat has got 5,00,000/- only in her account for execution of work under the Chief Minister Pay Jal Nischay Yojna. He further submits that the petitioner after allotment of work by the Chairman has already completed the work as per the scheme and no objection with regard to the work completed by the petitioner has been made by any of the villagers of the panchayat in question. He further submits that no government fund has been misappropriated by the petitioner in any manner. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. He further submits that co-accused, namely Arbind Ram, who is stated to be Ward Secretary of Ward No.1, has already been granted bail by a co-ordinate Bench of this Court vide order dated 22.08.2022 passed in Cr. Misc. No. 27111 of 2022 and the case of the petitioner stands on better footing to that of the accused, namely, Arbind Ram. The petitioner is rotting in judicial custody



since 26.02.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, 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 learned Court below where the case is pending in connection with Kajra P.S. Case No. 13 of 2021 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

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

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 antecedent, 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.

(Rajesh Kumar Verma, J)

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