

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36074 of 2022

Arising Out of PS. Case No.-186 Year-2020 Thana- TURKAULIYA District- East
Champaran

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Munna Mishra S/o Rajeshwar Mishra R/o village- Semra (Bhumihari Tola),
Ward No. 12, P.S.- Turkaulia, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madhav Jha, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 20-09-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Turkaulia P.S. Case No. 186 of 2020, lodged under Section 409,
188/34 of the Indian Penal Code.

As per the prosecution case, the allegation was made
against the special standard work in Mukhyamantri Nischay
Yojna in Ward No.11, 12 & 14 for defalcation of money.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He further
submits that the estimated cost of scheme was Rs.13,41,800/-

out of which Rs.10,00,000/- were transferred in the joint account of Ward No.11. He specifically submits that after receiving money, work was started and the entries were made in the measurement book which shows that Rs.12,95,000/- has already been expensed (Annexure-2 of the bail application). He further submits that the rest balance amount which is Rs.46,858/- is balance in the joint account of Ward No.11. Learned counsel for the petitioner further submits that petitioner is in custody since 02.03.2022 having clean antecedent. He further submits that the member of Ward No.12 has been granted anticipatory bail by the Co-ordinate Bench of this Court vide order dated 12.07.2022 passed in Cr. Misc. No.53737 of 2021.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., East Champaran at Motihari in connection with Turkaulia P.S. Case No. 186 of 2020, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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