

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37751 of 2022**

Arising Out of PS. Case No.-31 Year-2021 Thana- ANTI District- Gaya

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VIJAY YADAV SON OF RAMCHANDRA YADAV R/O- VILL-CHABURA
(KHAIRA), P.S.- AANTI, DIST.- GAYA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No 2, Advocate

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 27-09-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is an accused in connection with Aati
P.S. Case No. 31 of 2021 under Sections 409 and 34 of the
Indian Penal Code.

As per the FIR, the informant alleged that for
completion of work under ‘Mukhyamantri Gramin Payjal
Nischay Yojna’ Part -1, Yojna NO. 01/2019-2020, Rs.
13,50,000/- was transferred to the account of Ward Work
Implementation and Management Committee but after lapse of
12 months, work was not completed though Ward Chairman and
Ward Secretary withdrew Rs. 10,50,000/- from the afforested



committee.

Learned counsel for the petitioner submits that it is actually the non-execution of work as also the failure on the part of the Government Agency to get the executed work measured and instead they have chosen to lodge FIR. He reiterates that although the work has been done, the Junior Engineer failed to measure the executed work in time and this way he has been made accused and has remained in jail since 11.12.2021 despite the fact that he has no criminal antecedent. It is his further submission that the petitioner if released on bail, will sit with the Government Agency and will see to it that each and every paisa that has been withdrawn is adjusted against the work done. His last submission is that irrespective of the outcome of the bail application, the petitioner wants to contribute Rs. 25,000/- in favour of Patna High Court Legal Services Committee through Bank Draft issued by the State Bank of India, Local Branch.

Learned APP, on the other hand, submits that it is a defalcation of amount and the petitioner cannot escaped himself from the responsibility of huge withdrawal of the amount that has come in the FIR.

Taking into account the aforesaid fact that he is in custody since 11.1.2021, charge sheet stands submitted, he has



no criminal antecedent and ultimately he has to face the trial, this Court is inclined to grant him privilege of bail on the undertaking that he has taken that he will sit with the Government Agency and satisfy them that the work has been executed against the withdrawal so made.

let the petitioner be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty Five Thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Gaya in connection with Aati P.S. Case No. 31 of 2021, subject to payment of Rs. 25,000/- to the Patna High Court Legal Services Committee with further conditions:-

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.



With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

Jagdish/Neha-

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