

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43325 of 2022**

Arising Out of PS. Case No.-83 Year-2019 Thana- LAKHNAUR District- Madhubani

Mahanand @ Rahul Kumar, S/O Late Ram Kishor Mandal, Resident of village- Adalpur, Ward No- 11, P.S.- Jhanjharpur, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kedar Jha, Advocate

For the Opposite Party/s : Mr. Upendra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

2 20-09-2022 This petition has been taken up for out of turn hearing on a supplementary affidavit being moved on behalf of the petitioner that the wife of the petitioner is very serious and undergoing treatment and the petitioner is sole breadwinner of the family.

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

Let the defect (s), if any, as pointed out by the office be removed within four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Lakhnaur P.S. Case No. 83 of 2019, registered for the alleged offences under Sections 409, 420/34 of the Indian Penal Code.



As per the prosecution case, the petitioner is alleged to have received a cheque for an amount of Rs. 6,50,000/- on behalf of M/S Ambika Traders as its representative for implementation of the work of Nal Jal Yojna. But the Agency did not perform the work and it is further alleged that the petitioner along with other co-accused persons defalcated the amount.

The learned counsel for the petitioner submits that the petitioner has nothing to do with M/S Ambika Traders or the Nal Jal Scheme regarding which the informant has lodged the FIR. The petitioner is not concerned with the implementation of the scheme. No money was transferred into the account of this petitioner and whatever the amount has been paid it was paid in the account of M/S Ambika Traders which is a proprietary establishment of co-accused Prakash. Moreover, the work of the Nal Jal Scheme is to be performed by Ward Implementation Committee and the persons designated for this purpose and in order to save their skin, they have falsely implicated this petitioner. The petitioner has got clean antecedent and the allegation against him is without any basis. The petitioner is in custody since 26.06.2022. The informant has earlier submitted an application before the Block Development Officer wherein



he did not name this petitioner and specifically stated that the local Mukhiya and her husband were the conspirators who did not do the work.

Learned A.P.P. opposes the prayer for bail submitting that the informant has made specific allegation against this petitioner that he received the cheque on behalf of M/S Ambika Tranders which was entrusted the work of supplying the materials for Nal Jal Scheme and the said work was not completed and the cheque was encashed and the money was defalcated.

Having regard to the facts and circumstances and submissions made hereinabove and considering the vague nature of allegation against the petitioner who does not appear to be beneficiary of the amount defalcated and further considering the submission of charge sheet and the period of custody of the petitioner along with his clean antecedent, he is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1, Jhanjharpur, Madhubani, in connection with Lakhnaur P.S. Case No. 83 of 2019, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal



Procedure and also the following conditions :

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

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(Arun Kumar Jha, J)

