

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54287 of 2021

Arising Out of PS. Case No.-57 Year-2021 Thana- BHEJA District- Madhubani

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Bharat Thakur Son of Late Krishna Chandra Thakur Resident of Village -
Biraul, P.S.- Ghoghardiha, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Thakur, Advocate.

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

7 28-07-2022 Learned counsel for the petitioner is permitted to

remove defect(s), as pointed out by the office, if any, within a

period of four weeks from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Bheja P. S. Case No. 57 of 2021
registered for the offences punishable under Sections 409, 420
read with 34 of the Indian Penal Code.

The prosecution case is based on a written report
filed by the Block Development Officer, Madhepur stating inter
alia that the petitioner along with co-accused persons contrary to
the direction of the Government transferred amount through



cheque and draft.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner, who happens to be Panchayat Secretary of Gram Panchayat, Rahua Sangram. It is further submitted that the amount withdrew by this petitioner was Rs. 2,00,000/- through cheque and further the said withdrawal was only with respect to 14th finance commission and not with respect to 15th financial commission as is being alleged in the F.I.R. It is next submitted that in fact, the F.I.R. has been instituted in haste without any inquiry conducted by any of the responsible authorities. It is subsequently submitted that other co-accused persons namely, Anjay Kumar Singh @ Anjay Kr. Singh and Sushila Devi, who are said to be Mukhiya of different Gram Panchayats, have been allowed privilege of bail in Cr. Misc. No. 66027 of 2021 and 63733 of 2021 vide orders dated 19.07.2022 and 18.07.2022 respectively. The copies of which have been produced before this court and the same have been kept on record. It is lastly submitted that this petitioner is in custody since 26.06.2021, though the investigation of the crime is already completed and the charge sheet has been submitted.

On the other hand, learned APP for the State



opposes the bail application and submits that during the course of investigation, ample material has come which suggests the complicity of the petitioner in the present case.

Having considered the submissions made on behalf of the parties and taking into account the nature of allegation and also the fact that other co-accused persons have already been granted bail by this Hon'ble Court and moreover, the petitioner is in custody since 26.06.2021, having fair antecedent, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate I, Jhunjharpur, Madhubani in connection with Bheja P. S. Case No. 57 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of



trial.

- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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