

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58272 of 2021**

Arising Out of PS. Case No.-43 Year-2020 Thana- MANIGACHI District- Darbhanga

Rajesh Mukhiya Son of Ram Gulam Mukhiya Resident of Village - Bathiya,
P.S.- Manigachhi, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Iqbal Asif Niazi, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 07-04-2022 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

The present application has been filed on behalf of the petitioner, above named, for grant of regular bail to the petitioner who has been made accused and put behind the bar in connection with Manigachhi P. S. Case No. 43 of 2020 registered for the offences punishable under Sections 419, 420, 467, 468 and 34 of the Indian Penal Code.

As per the prosecution case, it is alleged that the Branch Manager, Baghant, Uttar Bihar Gramin Bank filed a written report with an allegation that under the Ward



Implementation and Management Scheme of Nal-Jal Yojna in Vimhath Panchayat, a sum of Rs. 11,66,000/- has been illegally withdrawn from five bank accounts of the said bank. It is further alleged that in course of enquiry, it has been detected that the withdrawal was made by this petitioner with the help of the office assistant and cashier.

It is submitted by the learned counsel for the petitioner that though there is allegation against this petitioner of illegal withdrawal of money but the fact is that the amount, in question, later on, has already been deposited in the bank and only because of some political rivalry this case has been instituted. It is next submitted that the Chairman of the Nal-Jal Yojna, Scheme as well as cashier of the bank who have already been made accused in the present case, have already been granted bail by different benches of this Hon'ble Court in Cr. Misc. No. 48310 of 2021 and 52819 of 2021 vide orders dated 10.02.2022 and 09.03.2022 respectively. It is further submitted that the petitioner has absolutely clean antecedent and no loss has been caused to the Government and this petitioner is in custody since 03.07.2021. It is also submitted that the investigation has been concluded and charge-sheet has already been submitted in this case. There is no chance of absconding of



the petitioner and tampering with the evidence.

On the other hand, learned APP for the State opposes the bail application of this petitioner.

Having considered the rival submissions made on behalf of the parties and taking into account this fact that no loss has caused to the Government exchequer apart from this fact that the other co-accused persons who were the Chairman of the Scheme as well as cashier of the bank have already been granted bail by co-ordinate benches of this Hon'ble Court, let this 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 V, Darbhanga in connection with Manigachhi P. S. Case No. 43 of 2020, 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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