

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.58344 of 2021**

Arising Out of PS. Case No.-746 Year-2017 Thana- KHAGARIA District- Khagaria

Chandan Kumar S/O Late Prem Shankar Singh R/O Village-Menghaul, P.S-  
Menghaul, District-Begusarai, Bihar.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Shyameshwar Dayal

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA  
ORAL ORDER**

4      22-03-2022                      Heard learned counsel for the petitioner and learned  
APP for the State.

The petitioner seeks bail in connection with Khagaria  
P. S. Case No.746 of 2017, instituted for the offences under  
Sections 409 and 420 of the Indian Penal Code.

The learned counsel for the petitioner submits that the  
petitioner is in custody since 05.03.2021, he is a person with  
clean antecedent and charge-sheet has been submitted in the  
case.

The learned counsel for the petitioner submits that the  
informant alleges that the petitioner, who was posted as Cashier  
in the Khagaria Municipality did not deposit Rs.85,45,130/-  
either in the bank or in the treasury till 31.08.2017, which was  
collected under different taxes as revealed in the audit of the



Financial Year 2014-15 to 2016-17, as such, it is alleged that the aforesaid amount was misappropriated.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case and from bare perusal of the F.I.R. (Annexure-1) at Page-29, it would manifest that the Executive Officer of Nagar Parishad, Khagaria himself has recorded that after adjustment an amount, Rs.18,83,307/- still remains to be realized, as such, the learned counsel submits that initially, the allegation was of misappropriation of Rs.85,45,130/-, but subsequently, the said misappropriation came to Rs.18,83,307/-. The learned counsel further submits that even during the course of investigation, neither the statement of inquiry team was recorded, nor any audit report has been annexed in spite of direction by the Dy.S.P. to Investigating Officer which shows that in fact, the then Executive Officer of Nagar Parishad with the connivance of the accountant, defalcated the amount as it has been pleaded at Para-22 of the bail application.

The learned A.P.P. for the State opposes the bail application.

Considering the fact that the petitioner is in custody, he is a person with clean antecedent, charge-sheet has been



submitted in the case and taking into consideration the submissions made by the learned counsel for the petitioner, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1<sup>st</sup> Class/ Court concerned, Khagaria in connection with Khagaria P. S. Case No.746 of 2017. The petitioner shall be released after framing of charge.

The application stands allowed.

**(Satyavrat Verma, J)**

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