

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60983 of 2021

Arising Out of PS. Case No.-321 Year-2020 Thana- KARJA District- Muzaffarpur

Sakaldeo Mahto Son of Late Lagnu Mahto Resident of Village - Jhakhra
Shekh, P.S. - Karja, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 25-03-2022 Heard learned counsel for the petitioner and learned
A.P.P for the State through video conferencing.

The petitioner seeks bail in Karja P.S. Case No. 321 of
2020, registered for the offence punishable under Sections 420,
409/34 of the Indian Penal Code.

After enquiry, this case has been lodged on the
direction of District Magistrate, Muzaffarpur. In the enquiry
report it has come that 15,80,000/- (90% of the scheme amount)
has been withdrawn by the accused persons including this
petitioner who is Ward Member and President of Ward
Implementation and Management Committee and the said
committee is responsible for not completing the work as per
standard. Even, if work shown in measurement book is accepted



to be true, amount of Rs. 94034/- still left to be returned to the government.

It is submitted on behalf of the petitioner that entire allegation is false and concocted. Estimated cost of scheme was Rs. 18,24,600/-, but the amount was issued Rs. 17,50,000/- and work was completed to the tune of Rs. 16,55,966/- which is also mentioned in the measurement book and there is no proof of utility of Rs. 94034/-. Petitioner claims clean antecedent and he is in custody since 15.04.2021. It is next submitted that petitioner is ready to pay Rs. 94034/- within a period of two weeks from the date of release of this petitioner from custody.

Considering the facts and circumstances of the case and also undertaking of petitioner, the petitioner above-named, is directed to be enlarged on **provisional bail** on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate V, West Muzaffarpur in connection with Karja P.S. Case No. 321 of 2020, *subject to the condition that he will deposit Rs. 94034/- within a period of two weeks from the date of release of this petitioner from custody.*

If he fails to deposit the said amount, provisional bail granted to the petitioner will be cancelled by the court below itself and if he deposits the said amount within the stipulated



period, the provisional bail shall be confirmed by the court
below itself.

(Prabhat Kumar Singh, J)

vinita/-

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