

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50386 of 2022

Arising Out of PS. Case No.-18 Year-2021 Thana- BODHGAYA District- Gaya

LAL MUNI MANJHI SON OF KARU MANJHI R/O VILLAGE-
KACHANPUR, P.S.- BODHGAYA, DISTRICT- GAYA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar Sinha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 09-12-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing in view of the
COVID 19.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is an accused in connection with
Bodhgaya P.S. Case No. 18 of 2021 registered for the offence
under Sections 409, 420 and 34 of the Indian Penal Code.

As per the FIR, the Mukhiya of the Gram Panchayat,
Dhanawan alleged that the Chairman and the Secretary of the
Ward No. 6 embezzled the public money which was issued for
the construction of 'Mukhya Mantri Nali Gali Yojna' as also
supply of drinking water in every house of the ward. The
embezzlement is to the tune of Rs. 13,78,994/-.



Learned counsel for the petitioner submits that the 'Mukhiya' was on loggerhead with the Chairman and the Secretary and thus this FIR was lodged even without going through the entire account and/or the work that was undertaken and merely on the basis of her own assessment. It is his further submission that he was ready to sit with the officials to narrate the entire things but the same was denied and he was picked up from his house on 10.12.2021 (as stated in paragraph-11 of the bail application) exactly an year ago and is languishing since then.

Taking into account the said submissions of the learned counsel for the petitioner that he is ready to explain the work (that has been undertaken) with the officials as also that he is in custody since 10.12.2021, charge sheet stands submitted and he is ready to abide by all the terms and conditions as also will be making himself available as and when required by the authorities, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of Judicial Magistrate, 1st Class, Gaya in connection with Bodhgaya P.S. Case No. 18 of 2021, subject to the following conditions:-



(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Jagdish/Neha-

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