

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.69672 of 2021**

Arising Out of PS. Case No.-73 Year-2021 Thana- BABUBARHI District- Madhubani

Lalan Mehta Son of Late Ram Sevak Mehta Resident of Village - Kulhariya,  
P.s.- Babubarhi, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Nilesh Kumar, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA  
ORAL ORDER**

3      11-05-2022                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in a case registered for the offences punishable under Sections 420, 406, 409, 467, 468, 471, 120(B) of the Indian Penal Code.

According to prosecution case, one Ram Kumar Yadav, Panchayat Secretary of Gram Panchayat Raj, Kulhariya lodged written report and stating therein that on 04.04.2021 in his presence the S.D.O., Sadar, Madhubani made review of the work done under the Sat Nischay Yojna of Kulhariya Panchayat in T.P.C. Building, Babubarhi. In course of review it was found



that Lalan Mehta, Jai Krishna Mehta, Subodh Kumar Singh have taken advance of different wards (detail of which mentioned in the written report) but in lieu of the said advance government money no voucher has been made available to Ward Execution and Management Samittee nor they have properly executed the work and thereby it appears that they have misappropriated the government money and the aforesaid three persons are not the executing agency from which it appears that they by forgery and conspiracy and by forging the papers have taken money from the wards and misappropriated the same and accordingly made request to lodge the case.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that in fact the petitioner is not the contractor he is only the supplier of labours and other materials with relates to the work in question. He further submits that it appears from the work certificate issued by the Ward Execution Management Committee as well as Mukhiya of the concerned Panchayat that the petitioner has completed the work and the work completion certificate has been issued by the Competent Authority as Annexure-3 series and Annexure-4 of the supplementary affidavit. He further submits that the police



after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 05.04.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries six criminal antecedents other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on 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 Court below where the case is pending in connection with Babubarhi P.S. Case No. 73 of 2021, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.



3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

**(Rajesh Kumar Verma, J)**

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