

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71759 of 2021

Arising Out of PS. Case No.-68 Year-2019 Thana- ANDHRAMATH District- Madhubani

BINDESHWAR SAFI @ BINDESHWAR RAJAK Son of Late Lakhan Safi
Resident of Village- Dharhara, P.S.- Andhramath, District- Maedhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ansul, Advocate
		Mr. Anuj Kumar, Advocate
For the Opposite Party/s	:	Mr. Akshay Lal Pandit, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 17-05-2022 Heard Mr. Ansul, learned counsel for the petitioner
and Mr. Akshay Lal Pandit, learned Additional Public
Prosecutor appearing for the State.

Learned counsel for the petitioner is permitted to
make necessary correction in the prayer portion of the bail
petition regarding designation and place of the court.

Petitioner seeks regular bail in connection with
Andhramath P.S. Case No. 68/2019 registered for the offences
punishable under Sections 406, 409 and 420/34 of the Indian
Penal Code 1860.

At the relevant point of time the petitioner was
Mukhiya of *Dharhara Gram Panchayat* between 2011-15 and
the allegation is that he in connivance with the other accused



persons withdrew money of *Gram Panchayat* to the tune of Rs.2,07,500/-, 87,500/- and 1,65,000/- for execution of development scheme of *Gram Panchayat* but the work was not executed properly by the petitioner and other accused persons and the money withdrawn was defalcated.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case and he has not committed any offence in the manner alleged. He further submits that a Certificate Proceeding was initiated against the petitioner and the Panchayat Secretary Satya Narayan Mahra being Certificate Case No. 1/2019-20 and learned Certificate Officer, after taking into consideration all aspects of the matter, has found that petitioner was not liable to pay a sum of Rs.2,95,000/- and liability was fastened upon the co-accused Satya Narayan Mahra i.e. Panchayat Secretary. He next submits that the petitioner is ready to deposit a sum of Rs.1,65,000/- (One lac sixty five thousand only) in the account of Panchayat or its successor, if any, without prejudice to his right and contention. The petitioner is in custody since 30.11.2021.

Regards being had to the submission made by the parties and taking into consideration the materials on record and the fact that petitioner is ready to deposit a sum of Rs.1,65,000/-



in the account of Panchayat or its Successor, if any, I am inclined to grant regular bail to the petitioner subject to deposit of the aforesaid amount in the Panchayat or its successor immediately.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned District & Sessions Judge, Madhubani in Circuit Court, Jhanjharpur, in connection with Andhramath P.S. Case No. 68/2019.

It is pertinent to mention here that at at the time of furnishing bail bonds, the learned court below will satisfy itself that the petitioner has already deposited a sum of Rs.1,65,000/- (Rupees one lac sixty five thousand only) in the account of Dharhara Gram Panchayat or its successor, if any.

(Anil Kumar Sinha, J)

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