

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.575 of 2022

Arising Out of PS. Case No.-93 Year-2021 Thana- TEKARI District- Gaya

GUDDU KUMAR Son of Jagdish Yadav Resident of Village- Saidpur, Police station- Tekari and District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No2

For the Opposite Party/s : Mr.Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-05-2022 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 connection with Tekari (Mau O.P.) P.S. Case No. 93 of 2021, registered for the offences punishable under Sections 406 and 409 of the Indian Penal Code.

According to prosecution case as contained in written report of informant Ramanuj Singh, Panchayat Sachiv, is that during the course of physical verification by a joint team consisting of B.P.R.O and Technical Assistant in Ward No.4 Yozna No.1) under Gram Panchayat Mau, Saidpur, it has been



found that accused persons namely, Sarita Devi, Bimlesh Yadav and Guddu Kumar (petitioner) have committed financial irregularities and passiveness in the execution of Yozna.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears from the enquiry report that Rs. 1,67,500/- has been defalcated and order has been given to recovery from the petitioner. He further submits that in fact no defalcation has been done by the petitioner and the petitioner has filed the work completion certificate before the authority concerned and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 15.07.2021.

The learned Additional Public Prosecutor opposed the prayer of bail

Considering the aforesaid facts and circumstances as well as period of custody, 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 Sri Sumeet Kumar Singh, Judicial Magistrate Ist Class, Gaya, in connection with Tekari (Mau O.P.) P.S. Case No. 93 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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