

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.35845 of 2021**

Arising Out of PS. Case No.-183 Year-2019 Thana- LADANIA District- Madhubani

SANTOSH KUMAR DAS @ SAJJAN KUMAR DAS SON OF BIRENDRA  
DAS Resident of Village- Mahatha (Navtoli) Ward No.07, P.S.- Ladaniya,  
District- Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

**CRIMINAL MISCELLANEOUS No. 913 of 2022**

Arising Out of PS. Case No.-183 Year-2019 Thana- LADANIA District- Madhubani

BIKKI KUMAR SON OF RAMESH SHARMA @ RAMESH  
VISHWAKARMA RESIDENT OF VILLAGE- DEOKULI, P.S- BIHTA,  
DIST- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

(In CRIMINAL MISCELLANEOUS No. 35845 of 2021)

For the Petitioner/s : Mr. Ansul,  
Mr. Ravi Prakash, Advocates

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

(In CRIMINAL MISCELLANEOUS No. 913 of 2022)

For the Petitioner/s : Mr. Ghanshyam, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

4      07-04-2022      Heard the parties.

Both these applications for bail have been heard  
together and are being decided by a common order as they arise  
out of same PS Case i.e., Ladania PS Case No. 183/2019.

Petitioners seek regular bail in connection with



Ladania PS Case No. 183/2019 registered for the offences punishable under Sections 420, 409/34 of the IPC.

As per the First Information Report, petitioner, Santosh Kumar Das @ Sajjan Kumar Das (Cr. Misc. No. 35845 of 2021) being Ward Secretary and petitioner, Bikki Kumar (Cr. Misc. No. 913 of 2022), a Junior Engineer respectively have misappropriated a sum of Rs. 7,45,000/- and 4,71,000/- which was meant for *Nal Jal Scheme and Gali Nali Sarak Scheme* of the Government.

Learned counsel for the petitioners submits that the petitioners have not committed any offence in the manner alleged and in so far as petitioner, Bikki Kumar (Cr. Misc. No. 913 of 2022) is a concerned, he is a Junior Engineer and only allegation against him is that he did not submit MB Book of the work done by Mukhiyapati. The submission is that if the work has not been done, MB Book cannot be prepared by the petitioner. Learned counsel next submits that however, without prejudice to the right and contention of the petitioner, the Mukhiyapati has already deposited a sum of Rs. 5 Lacs in the account of Gram Panchayat *vide* Cheque dated 28.02.2019 which is a part of Annexure-4 to supplementary affidavit of petition of Cr. Misc. No. 913/2022.



In so far as petitioner, Santosh Kumar Das @ Sajjan Kumar Das (Cr. Misc. No. 35845 of 2021) being the Ward Secretary, the submission is that the petitioner was not responsible for the execution of work and in view of the fact that Mukhiyapati has already deposited a sum of Rs. 5 Lacs, the petitioner may be given privilege of bail by this Court. Learned counsel further submits that both the petitioners are in custody since 28.11.2020 and 17.03.2021 respectively and the charge-sheet has also been submitted in the matter and there is no likelihood that the petitioners will abscond or will tamper with the evidences.

Regards being had to the submissions made by the parties and taking into consideration the material on record and the fact that a sum of Rs. 5 Lacs has been deposited by Mukhiyapati in the account of Gram Panchayat, the petitioners are in custody since 28.11.2020 and 17.03.2021 respectively, the charge-sheet has also been submitted and there is no likelihood that the petitioners will abscond or will tamper with the evidences, I am inclined to grant regular bail to the petitioners subject to the condition that they will be well represented on each and every date in the trial and if they fail to do so on two consecutive dates, their bail bonds will be liable to



be cancelled.

Accordingly, let the petitioners, namely, Santosh Kumar Das @ Sajjan Kumar Das (Cr. Misc. No. 35845 of 2021) and Bikki Kumar (Cr. Misc. No. 913 of 2022) be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Madhubani in connection with Ladania PS Case No. 183/2019.

**(Anil Kumar Sinha, J)**

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