

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3395 of 2023

Arising Out of PS. Case No.-101 Year-2020 Thana- HAYAGHAT District- Darbhanga

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PRADEEP KUMAR YADAV @ PRADEEP YADAV S/o Hari Yadav R/o
Village- Sirnia Tole Gharari @ Jarari, P.S.- Ashok Paper Mill, District-
Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Baidya Nath Prasad, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since
22.05.2022 in connection with Hayaghat P.S. Case No.101 of
2020, F.I.R. dated 18.09.2020 registered for the offence
punishable under Sections 420,406,409,120(B),34 of IPC.

Allegation against the petitioner is of being involved
in defalcation and embezzlement of public money amounting to
Rs. 18,74,800/- with regard to the Nal Jal Yojana.

Learned counsel appearing for the petitioner submits
that the petitioner has clean antecedent and he has falsely been
implicated in the present case mainly on the basis of suspicion.
In fact the petitioner is Panchayat Secretary of the Ward in



question and the petitioner has not committed any wrong as alleged in the FIR. In fact, the agency, whom the work has been allotted, has completed the work in question and the Junior Engineer of the Hayaghat Block has submitted the measurement book (Annexure-3) which shows that the work has been completed for Rs. 18,60,185/- and rest amount of Rs.14,000/- has been deposited in the Panchayat Account and the petitioner has no role in the present occurrence and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 22.05.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the aforesaid fact, 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 learned Judicial Magistrate 1st Class, Darbhanga in connection with Hayaghat P.S. Case No.101 of 2020, with 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/her absence on two consecutive dates without sufficient



reason, his/her 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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