

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10529 of 2023

Arising Out of PS. Case No.-13 Year-2021 Thana- SURYAPURA District- Rohtas

SAHU CHAUDHARY Son of Late Shiv Chaudhary R/V- Balihar (Suryapura)
P.s and P.O Suryapura, Dist- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Tiwary, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-05-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Suryapura
P.S. Case No. 13 of 2021 dated 21.01.2021 registered for the
offence under Sections 420 and 409 of the Indian Penal Code.

The petitioner along with another are alleged to have
defalcated the government money to the tune of Rs. 1,722,500/-
by way of illegal withdraw.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case on the ground that he
happens to be Ward Member of ward No. 05. He further submits
that it appears from the F.I.R. that the petitioner being the Ward
Member of Ward No.5 along with another co-accused, who being



the Secretary of the Gram Panchyat, Balihar, illegally withdrawn the amount in question without completion of the work against which the amount in question was allocated. He further submits that the work in question was executed by the Mukhiya and Secretary of the Balihar Panchayat and they are authorized to withdraw the money from the government account. This petitioner has not played any role in the alleged offence of defalcation. Moreover, the co-accused, namely, Pawan Kumar Debey @ Pawan Kumar and Satyendra Ram @ Satendra Ram have already been granted bail by a co-ordinate Bench of this Court vide order dated 21.04.2023 and 17.04.2023 passed in Cr. Misc. No. 11204 of 2023 and Cr. Misc. No. 8714 of 2023, respectively. The petitioner is rotting in judicial custody since 28.03.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 Chief Judicial Magistrate, Rohtas at Sasaram in connection with Suryapura P.S. Case No. 13 of 2021 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 canceled 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.

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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