

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16742 of 2023**

Arising Out of PS. Case No.-162 Year-2020 Thana- DHAMDAHA District- Purnia

CHANDAN KUMAR @ CHANDAN MAHTO S/O CHAMAN MAHTO
R/v- Bardela, P.S.- Dhamdaha, District- Purnia

... .. Petitioner/s

Versus

STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Mira Kumari, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 04-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
19.05.2022 in connection with Dhamdaha P.S. Case
No.162/2020, F.I.R. dated 31.07.2020, for the offences
punishable under Sections 406/420 of the IPC.

According to prosecution case, the petitioner being the
Chairman of PACCS sold 1612 quintal paddy in the open
market illegally and committed misappropriation of the
government fund of Rs. 30,13,600/-.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that the
allegation against the petitioner is that the petitioner being the



Chairman of PACCS along with other co-accused persons have misappropriated the government money to the tune of Rs. 30,13,600/-. He further submits that from bare perusal of the F.I.R. it appears that there is no specific allegation against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner. He further submits that similarly situated co-accused, namely, Ramesh Marandi and Vikram Chandra Prakash have been granted bail by a co-ordinate Bench of this Court vide order dated 09.12.2022 & 16.12.2022 passed in Cr. Misc. No.52498/2022 & Cr. Misc. No. 49187/2022 respectively. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 19.05.2022.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, 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 Miss. Medha Manisha, J.M.1st Class, Purnea in connection with Dhamdaha P.S. Case No. 162/2020, 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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