

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13438 of 2023**

Arising Out of PS. Case No.-152 Year-2022 Thana- SIWAIPATTI District- Muzaffarpur

Sunil Kumar S/O Narayan Ray Resident of Village- Harser, P.S.- Siwaipatti,
District- Muzaffarpur.

.. ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Upendra Kumar Chaubey, Advocate
For the Opposite Party/s	:	Mr. Parmeshwar Mehta, Advocate
For the State	:	Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA

ORAL ORDER

2 23-05-2023 Heard learned counsel appearing on behalf of the petitioner and learned Additional Public Prosecutor appearing on behalf of the State.

Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

The accused/petitioner is named in F.I.R. and apprehending his arrest in connection with Siwaipatti P.S. Case No. 152 of 2022 registered for the offences punishable under Sections 420, 409/34 of the Indian Penal Code.

The allegation against this petitioner is to defalcate



the amount of Rs. 3,29,922/- being ward secretary of Nal Jal Yojana.

Learned counsel appearing on behalf of the petitioner submitted that the allegation is apparently false for the reason that same is based upon misconceptions, as surfaced out of wrong measurement. It is submitted that it is the collective work and the local B.D.O., Mukhiya, ward members all are responsible for execution of the task. It is submitted that the exact work has already been completed and as it was not found fit with measurement framework, the present prosecution was lodged against petitioner. While concluding the argument it is submitted that petitioner is a man of clean antecedent.

Learned APP for the State opposes the prayer of bail.

Considering the aforesaid facts and circumstances as it appears that implication of petitioner appears to be based upon issue arises out of measurement, *prima facie*, accordingly, the above named petitioner, in the event of his arrest or surrender before the Court below within a period of four weeks of this order, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, East, Muzaffarpur/concerned



Court, where the case is pending in connection with Siwaipatti
P.S. Case No. 152 of 2022, subject to the conditions as laid
down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Archana/-

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