

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15704 of 2023

Arising Out of PS. Case No.-249 Year-2022 Thana- KARAHGAR District- Rohtas

1. KANCHAN DEVI W/O RAJESH SAH R/V- PANAILI, P.S.- KARGAHAR, DISTRICT- ROHTAS
2. AJAY KUMAR OJHA @ AJAY KUMAR S/O KESHWAR OJHA @ RAJ KESHWAR OJHA R/V- PANAILI, P.S.- KARGAHAR, DISTRICT- ROHTAS

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surendra Kumar Choubey
For the Opposite Party/s : Mr.Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 24-05-2023 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Kargahar (Barahari O.P.) P.S. Case No. 249 of 2022, registered for the offence punishable under Sections 409 and 420 of the Indian Penal Code.

The petitioner no. 1, who is the Chairman of the Management Committee and the Petitioner No. 2, who is the Secretary of the said Committee, pertaining to Gram Panchayat, Senduar, are alleged to have withdrawn a sum of Rs. 13,26,400/- in between the period 27.6.2018 to 4.7.2018, but had not completed the work to the tune of a sum of Rs. 6,57,154/-,



pertaining to the Nal Jal Yojna, hence, it is alleged that the said amount has been misappropriated by the petitioners.

The learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in the present case. The learned counsel for the petitioners has further submitted that the petitioners are accused in one another case, but they are on bail in the said case. The learned counsel for the petitioners has further submitted that the petitioners, in order to show their bonafides, are ready and willing to deposit the misappropriated amount to the tune of Rs. 6,57,154/- with the Nazarat of the learned Civil Court at Rohtas, hence they be granted the privilege of bail.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners, taking into account the materials available on record as also considering the fact that the petitioners are ready and willing to deposit the misappropriated amount, I deem it fit and proper to direct for admitting the petitioners to the privilege of bail, immediately upon surrendering before the learned Court of Chief Judicial Magistrate, Sasaram, Rohtas, in connection with



Kargahar (Barahari O.P.) P.S. Case No. 249 of 2022 and showing proof of deposit of a sum of Rs. 6,57,154/- with the Nazarat of the learned Civil Court at Rohtas, within a period of six weeks from today and further subject to such conditions as may be deemed fit and appropriate to be imposed upon the petitioners, by the learned Trial Court for the purposes of grant of bail.

The present petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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