

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24602 of 2023**

Arising Out of PS. Case No.-355 Year-2022 Thana- BRAHMPUR District- Buxar

RADHEY SHYAM YADAV @ RADHESHYAM YADAV SON OF
BHARAT YADAV R/O VILLAGE- JAWAHI, P.S.- BARHAMPUR,
DISTRICT- BUXAR Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manindra Kishore Singh, Advocate

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

2 19-05-2023 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner has preferred this application for
grant of regular bail in connection with Brahmpur P.S. Case no.
355 of 2022 registered under sections 420, 406, 409 and 34 of
the Indian Penal Code.

3. As per the prosecution case, it is stated by the
informant that for the work to be conducted, the estimated
amount for the work was Rs. 4,99,900/- against which an
advance of Rs. 3 lacs was given to the petitioner and one Ashok
Kumar Yadav. Subsequently on measurement it transpired that
work to the tune of Rs. 57,377/- only had been done and the
accused persons including the petitioner had defalcated a sum
of Rs. 2, 42,623/-. As such this FIR.

4. It is submitted by learned counsel for the petitioner
that the petitioner has been falsely implicated in the case. The



allegations are false and incorrect. Further co-accused Ashok Kumar Yadav has already deposited the allegedly defalcated amount of Rs. 2,42,623/- which would be evident from the order dated 9.5.2023 passed in Cr. Misc. no. 49173 of 2022 by this Court whereby the said Ashok Kumar Yadav has been granted anticipatory bail. The petitioner is in custody since 21.11.2022 and charge sheet has been submitted in the case. He has no criminal antecedent.

5. Heard learned APP for the State.

6. Having heard learned counsel for the parties and taking into consideration the nature of allegation in the FIR, grant of anticipatory bail to the similarly situated co-accused Ashok Kumar Yadav, the petitioner being in custody since 21.11.2022 and charge sheet having been submitted in the case, the Court directs the petitioner to be enlarged on bail in connection with Brahmpur P.S. Case no. 355 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Buxar.

(Partha Sarthy, J)

Prakash/-

U			
---	--	--	--

