

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.26735 of 2023**

Arising Out of PS. Case No.-9 Year-2020 Thana- INARWA District- West Champaran

Baidyanath Hazra S/O Late Singhashan Hazra Resident of Village- Bathana,  
P.S.- Majhauria, District- West Champaran, At present ITI Colony Jay Prakash  
Nagar Bettiah, P.S.- Bettiah Muffasil, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                      |   |                                  |
|----------------------|---|----------------------------------|
| For the Petitioner/s | : | Mr. Krishna Prasad, Sr. Advocate |
|                      | : | Mr. Rakesh Kumar, Advocate       |
|                      | : | Mr. Rikesh Sinha, Advocate       |
| For the State        | : | Mr. Parmeshwar Mehta, APP        |

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

4      28-08-2023                      Heard Mr. Krishna Prasad, learned Senior counsel  
  
appearing on behalf of the petitioner and learned Additional  
  
Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since  
18.01.2023 in connection with Inarwa P.S. Case No. 09 of 2020,  
F.I.R. dated 13.02.2020 for the offences punishable under  
Sections 420, 409, 120(B) of the Indian Penal Code.

3. According to prosecution case, the petitioner is  
alleged to have been deserted from the post of Panchayat  
Secretary.

4. Learned counsel for the petitioner submits that  
petitioner is innocent and he has falsely been implicated in the  
present case. The allegation as alleged in the F.I.R., is that the  
petitioner has not handed over the charge after his retirement as  
Panchayat Secretary in Pindari Panchayat and after his  
retirement, he had worked again from 01.11.2016 to 07.07.2018



on contract basis in Pindari Block. He further submits that after his transfer to Ramnagar Block, he was deserted on 07.07.2018 from the Pindari Block and not handed over the charge to the concerned authority. He further submits that from the bare perusal of the F.I.R., it appears that the petitioner has received an amount of Rs. 4,50,000/- for institution of work in question. He further submits that he has already deposited Rs. 4,50,000/- in the bank account of Mukhiya Gram Panchayat on 20.09.2019 itself and the present F.I.R. was lodged on 13.02.2020. He further submits that present F.I.R. has been instituted after the deposition of amount in question. He further submits that that he has not committed anything wrong as alleged in the F.I.R., and the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 18.01.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries two criminal antecedent other than the present one.

6. 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 the learned Additional



Chief Judicial Magistrate – II<sup>nd</sup>, West Champaran, Bettiah, in connection with Inarwa P.S. Case No. 09 of 2020, subject to the following conditions:-

i. 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.

ii. 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.

iii. 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)**

Aditi

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