

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28833 of 2023

Arising Out of PS. Case No.-390 Year-2022 Thana- BAHERA District- Darbhanga

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ARUN PASWAN S/O RAM PRASAD PASWAN Resident of Village and
P.O. Andouli, P.S.- Alinagar, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kaushal Kumar Jha, Advocate

For the Opposite Party/s : Mr.Uday Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

7 16-10-2023 Heard Mr.Kaushal Kumar Jha, learned counsel for

the petitioner and Mr.Uday Pratap Singh, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Bahera P.S. Case No.390 of 2022, FIR dated 01.09.2022 registered for the offences punishable under Sections 406,409 and 420/34 of IPC.

3. Prosecution case, in brief, is that Shivji Mochi, Panchayat Secretary and Mukhiya Arun Paswan have repaired and renovated Health Sub Center, Antaour Panchayat, Motipur through the Scheme of 14th Finance Commission in which Rs.4,19,409/- was withdrawn whereas as per report of Medical Officer, Incharge Alinager, Health Sub Center is not even created which shows that both have withdrawn the amount with



their malafide intention.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent. He has falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. Learned counsel for the petitioner submits that on the basis of instruction that he is ready to deposit half of the amount i.e. Rs.2,09,705/- in four equal installments subject to the final order of the present case.

5. In view of the aforesaid, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 learned A.C.J.M.-1, Benipur, Darbhanga in connection with Bahera P.S. Case No.390 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) The petitioner shall deposit $\frac{1}{4}$ amount of Rs. 2,09,705/- by way of demand draft in favour of the Panchayat Secretary, Motipur, Alinagar, Darbhanga at the time of



furnishing bail bond and the learned court below is directed to hand over the said demand draft to the Panchayat Secretary, Motipur, Alinagar, Darbhanga or his representative and the petitioner shall pay the rest amount in three equal installments in the next three months and if the petitioner fails to pay rest three installments within the aforesaid period, the informant shall be at liberty to move before the learned court below for cancellation of bail bond of the petitioner.

(II) 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/her absence on two consecutive dates without sufficient reason, his/her bail bonds shall be cancelled by the Court below.

(III) If the petitioner tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(IV) 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/her criminal antecedents, 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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