

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31984 of 2022**

Arising Out of PS. Case No.-221 Year-2021 Thana- JHANJHARPUR District- Madhubani

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SONE LAL KUMAR @ SONE LAL SADAY S/o Fudi Saday Resident of
Village- Mohna Mushari Tol, P.S.- Jhanjharpur, District- Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Baleshwar Kamat, Adv
For the Opposite Party/s : Mr.Parmeshwar Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 08-02-2023 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, within a

period of four weeks' from today.

Heard Mr. Baleshwar Kamat, learned counsel appearing
on behalf of the petitioner and learned Additional Public
Prosecutor for the State.

The petitioner seeks regular bail, who is in custody in
connection with **Jhanjharpur P.S. Case No. 221 of 2021 (CRI
No. 1605 of 2021)** registered for the offences punishable under
Sections 406, 409 and 420/34 of the Indian Penal Code.

As per prosecution case, it is alleged that on the
direction of District Magistrate, Madhubani, FIR has been
instituted against the petitioner and one Ratan Sadai, who
respectively happen to be the Secretary and Chairman of Ward



No. 5 of Simra Gram Panchayat allegedly disbursed a sum of Rs. 14,31,590/- to the Managing Committee of Ward No. 5 of Simra Gram Panchayat for construction of stand with tower and tank, however, as per the report made by the Technical Assistant the only work of Rs. 6,33,393/- was found complete and the remaining work has not been done. It is also alleged that the amount of estimate was given in advance which was given to the contractor but he did not complete the work of Jal Nal Yojana and misappropriated Rs. 5, 53,584/-. It is submitted on behalf of the petitioner that being Secretary of Ward No. 5 of Simra Gram Panchayat the amount was handed over to the contractor for construction of the work and after institution of the present FIR, the contractor has completed the work in question and this fact has also been ratified by the Technical Assistant (J.E), Jhanjharpur, Madhubani. He next submits that so far as the Chairman of Ward No. 5 of Simra Gram Panchayat is concerned he has been allowed the privilege of anticipatory bail by a learned co-ordinate bench of this Court in Criminal Miscellaneous No. 25906 of 2022 vide order dated 09.11.2022, a copy of which has been placed before this Court and the same has been taken on record. He lastly submits that now the petitioner remained in custody for over a period of more than a



year and he has never been involved in any such criminal activity.

On the other hand, learned counsel for the State opposes the prayer for bail of the petitioner.

Regard being had to the submissions made on behalf of the parties and considering the fact that subsequently the petitioner and others have completed the work for Rs. 14,25,844/- as is evident from Annexure-2 to this petition and moreover co-accused person having similar allegation has been released on anticipatory bail, as also the fact that prior to the institution of the case, petitioner was not found involved in any other criminal case, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned **ACJM-1st, Jhanjharpur, Madhubani**, in connection with **Jhanjharpur P.S. Case No. 221 of 2021 (CRI No. 1605 of 2021)**, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates



without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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