

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32777 of 2022

Arising Out of PS. Case No.-44 Year-2021 Thana- BENIPATTI District- Madhubani

Ashish Kumar Jha, S/o Sri Kamlesh jha, R/o village- Deopura, P.S.- Benipatti,
District- Madhubani

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
Ms. Vaishnavi Singh, Advocate

For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

6 23-02-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with Benipatti P.S. Case No. 44 of 2021, registered for the offences punishable under Sections 406, 409, and 420 of the Indian Penal Code.

The prosecution case as emerges from the FIR is that PACS (Primary Agricultural Credit Societies) election of Mohamadpur Panchayat, Benipatti Block, was held in the year 2019. In this connection, ex-Chairman, Kamlesh Jha and the present manager, Ashis Kumar Jha have not handed over the charge to the newly elected Chairman, despite



getting several reminders. As a consequence of which, work of PACS (Primary Agricultural Credit Societies) got hampered. It is alleged that there must be financial irregularities on the part of the Ex-Chairman and the present manager.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that only allegation against the petitioner is one of not presenting the records before the next Chairman of the PACS (Primary Agricultural Credit Societies). As such, there is no commission of any offence as per alleged facts and circumstances. At most, there is dereliction of duty on the part of the accused for which, there is civil consequences but no offence is made out. He further submits that even documents/records have been presented/handed over before the new Chairman. He also submits that investigation in this case is complete and charge-sheet has already been submitted.

He further submits that the petitioner has been languishing in jail since 13.03.2022.



It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in three other cases.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has moved this Court earlier for anticipatory bail vide Cr. Misc. No. 61356 of 2021.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Additional Chief Judicial Magistrate 1st, Benipatti, District-Madhubani, in connection with Benipatti P.S. Case No. 44 of 2021 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his



absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the



certified copy of this order only after removal of office
objections.

(Jitendra Kumar, J)

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