

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34951 of 2022

Arising Out of PS. Case No.-265 Year-2021 Thana- DURGAWATI District- Kaimur (Bhabua)

BANARASI RAM S/o Late Dukhdawan Ram R/o village and P.O.- Pipraia,
P.S.- Mohaniya, District- Kaimur (Bhabua)

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramchandra Singh, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-01-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Section 409 of the Indian Penal
Code.

According to prosecution case, in brief, is that in the
light of question raised by Sri Sudhakar Singh, the M.L.A.
(Ramgarh) in Bihar Legislative Assembly, District Supply
Officer, Kaimur and Executive Engineer Rural Work
Department, Work Division, Mohania submitted their joint
report through their letter No. 241 dated 17.03.2021 regarding
the errors found in some of the government schemes for which
the petitioner who was the then Panchayat Sachiv (Secretary) of
Gram Panchayat Cheharian was directed to get the schemes



completed but the petitioner does not care about.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case only on the basis of suspicion. He further submits that the joint investigation report dated 17.03.2021 submitted by District Supply Officer, Kaimur and Executive Engineer, Rural Work Department, Work Division, Mohania regarding the alleged scheme and it appears from the report that the work in question have been completed by the petitioner and the present F.I.R. has been instituted only to harass the petitioner. He further submits that the informant without considering the Annexure-4 has filed the present F.I.R. against the petitioner and the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 23.05.2022.

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

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 Court



below where the case is pending in connection with Durgawati
P.S. Case No. 265 of 2021, subject to the following conditions:-

1. 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.

2. 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.

3. 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)

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