

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34270 of 2022

Arising Out of PS. Case No.-368 Year-2019 Thana- BELAGANJ District- Gaya

Arjun Yadav S/O Late Saryu Yadav Resident of Village- Gobraha, P.S.-
Belaganj, District- Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance:

For the Petitioner : Mr. Manish Kumar No2, Advocate
For the Opposite Party : Mr. Parmeshwar Mehta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 13-01-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defects, as pointed by the office, be removed
within a period of four weeks from today.

Petitioner seeks bail in a case registered for the offences
punishable under Sections 409, 406, 420 and 34 of the Indian
Penal Code.

According to prosecution case, the Ward Secretary and
Ward Member-cum-Chairman were said to have completed the
work of Rs. 5 lakhs whereas Rs. 10 lakhs has been withdrawn
by their joint signature. It is alleged that they have defalcated
the amount. It is also alleged that Rs. 17,18,700/- has been
transferred in the account of Ward Member-cum-Chairman.

Learned counsel for the petitioner submits that petitioner

has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as in the F.I.R., is that the petitioner has not completed the work in question. He further submits that during investigation it has been transpired that now the work is completed and the Technical Assistant, Panchayati Raj Department, Belaganj, Gaya submitted a letter dated 03.03.2022 that work in question has been completed by the petitioner and the other co-accused person and the similarly situated co-accused person, namely, Rajani Devi who is the Chairman has been granted bail vide order dated 26.04.2022 by the learned Additional Sessions Judge, Gaya in A.B.P. No. 647 of 2022. The petitioner is in custody since 08.02.2022.

The learned A.P.P. has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner has defalcated the amount.

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 Belaganj P.S. Case No. 368 of 2019, 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 tempers 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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