

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39999 of 2022**

Arising Out of PS. Case No.-707 Year-2021 Thana- SIWAN CITY District- Siwan

KISHAN LAL Son of Late Shyam Lal Resident of Village- Purani Kila
Harijan Toli, P.s.- Siwan Town, Dist.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y.C.Verma, Sr. Adv. Ms. Kumari Anupam, Adv.
For the Informant	:	Mr. Ravi Bhushan Verma, Adv.
For the Opposite Party/s	:	Mr. Dr. Ajeet Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

3 23-01-2023 Heard the learned Senior Counsel for the counsel for the petitioner and the learned APP for the State, Dr. Ajeet Kumar as also the learned counsel appearing for the informant, Sri Bhushan Verma.

The petitioner seeks regular bail in connection with Siwan Town P.S. Case No. 707 of 2021, registered for the offence punishable under Sections 467, 468, 471, 420, 409 and 120B/34 of the Indian Penal Code.

The petitioner and other accused persons are alleged to have embezzled a sum of Rs. 49,91,500/- as also a sum of Rs. 4 crore under



scheme no. 15/2017-18 which was meant for widening of road by five feet pertaining to the stretch situated south of the road starting from Hospital road to Tarwara Mor, on the main Siwan-Chapra road and for purchasing land for dumping garbage.

The learned Senior Counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 21.4.2022. The learned Senior Counsel for the petitioner has submitted that all the works of the Nagar Parishad are executed & carried out by the Executive Officer and the petitioner is merely Head Clerk-cum-Accountant, whose job is to follow the instructions of the Executive Officer. It is also submitted that neither the petitioner has signed any cheque nor paid a single penny to anyone, hence the allegation of embezzlement is false. It is also stated that even the co-accused person, who is the Chief Counsellor, Nagar



Parishad, Siwan, has already been granted anticipatory bail, by a coordinate Bench of this Court, vide order dated 17.11.2022, passed in Criminal Miscellaneous No. 20537 of 2022. It is also submitted that the decision for purchasing the land was taken in a meeting under the provisions of the Bihar Municipal Act, which was attended by all the Members of the Board and was presided by the Chair person of the Nagar Parishad. The land purchased by the Nagar Parishad is in possession of Nagar Parishad and on the basis of sale deed and possession, mutation has also been carried out in favour of Nagar Parishad, as such allegation of embezzlement of money is false. Lastly, it is submitted that similarly situated co-accused persons have already been granted anticipatory bail, by coordinate Benches of this Court, vide orders dated 21.11.2022, 21.12.2022 and 19.1.2023, passed in Criminal Miscellaneous No. 20968 of 2022, Criminal Miscellaneous No.24109 of 2022 and Criminal Miscellaneous No. 66831 of



2022. It is next contended that as far as the petitioner is concerned, he is a Head Clerk cum Accountant, hence, he is having no complicity in the matter since the decision for release of the funds is taken by the higher authorities.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials on record as also considering the fact that the co-accused persons have already been granted anticipatory bail by coordinate Benches of this Court, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan in connection with Siwan Town P.S. Case No.



707/2021.

(Mohit Kumar Shah, J)

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