

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.42839 of 2023**

Arising Out of PS. Case No.-215 Year-2022 Thana- SAHARGHAT District- Madhubani

Amarnath Thakur Son of Late Fakir Thakur Village- Uttra Ps- Saharghat Dist-  
Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                                                                                          |
|--------------------------|---|----------------------------------------------------------------------------------------------------------|
| For the Petitioner/s     | : | Mr. Gagandev Yadav<br>Mr. Ravi Prakash<br>Mr. Vinod Kumar<br>Mr. Udeshya Kumar Yadav<br>Mr. Rajesh Kumar |
| For the Opposite Party/s | : | Mr. Parmeshwar Mehta                                                                                     |

**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR**  
**ORAL ORDER**

3      06-09-2023                      Heard Ld. counsel for the petitioner and Ld. APP for  
the State.

2. The petitioner seeks bail in connection with Saharghat P.S. Case No.215 of 2022, registered for the offences punishable under Sections 409, 420/34 of the Indian Penal Code.

3. As per allegation, there is a misappropriation of Government fund Rs. 6,30,574/- by the accused-Petitioner and co-accused, Yamuna Devi by way of withdrawing the amount from the Government account without completing the work.

4. Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this



case. He further submits that the claim of the informant is not correct. However, without any prejudice to the Trial, he is ready to deposit an amount of Rs. 3,15,287/-, which is half of the misappropriated amount, in the account from which the money was withdrawn, subject to outcome of the Trial. In case it is found that there is no misappropriation, the money will be returned to the Petitioner. However, in case it is found that money is misappropriated, it will go in the treasury of the Government.

5. He further submits that the petitioner has been languishing in jail since 06.05.2023.

6. It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedent.

7. 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. 34031 of 2023.

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

9. Considering the submissions, **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. J.M. 1<sup>st</sup> Class, Benipatti District, Madhubani, in connection with Saharghat P.S. Case No.215 of 2022, **subject to showing of receipt of deposit of Rs. 3,15,287/- in the account from which this alleged misappropriation has been committed** and further 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 any criminal antecedents, 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.



10. 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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