

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46734 of 2023

Arising Out of PS. Case No.-230 Year-2022 Thana- MANSI District- Khagaria

GAUTAM KUMAR Son of Late Sukhdev Thakur R/o village - Bhagat Tola,
Mathurapur, Ward No.- 12, P.S.- Khagaria, Distt.- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Pankaj Kumar, Advocate Ms. Diksha Kumari, Advocate
For the Opposite Party/s	:	Mr. Abhay Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-08-2023 Heard Mr. N.K. Agrawal, learned senior counsel for
the petitioner and Mr. Abhay Kumar, learned Additional Public
Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
17.04.2023 in connection with Mansi P.S. Case No. 230 of
2022, F.I.R. dated 05.07.2022 for the offences punishable under
Sections 406, 409, 420/34 of the Indian Penal Code.

3. The present case has been lodged on the basis of
letter No.922, dated 27.06.2022 of informant Shyam Kishore
Shama, Block Development Officer, Mansi alleging therein that
petitioner being the Ex-Secretary along with Ex-Mukhiya, Gram
Panchayat Chak Hussaini during their tenure 2009-2011
purchased total 18 Solar lights @ Rs.44,000/- per solar light



which was to be purchased at Rs.22,355/- per solar light at total amount of Rs.7,92,000/-. It was alleged that aforesaid solar light was purchased at higher rate than Government prescribed rates and after due inquiry regarding the aforesaid allegation against the petitioner and other co-accused it was found true.

4. 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 bare perusal of F.I.R. it appears that the occurrence as alleged in the F.I.R. in the year 2009-10 and 2010-2011 but the present F.I.R. instituted has been instituted in the year 2022 and at the time of the alleged occurrence the petitioner was in service and he has retired from the service on 31.12.2018 and after his retirement the present F.I.R. has been instituted on 05.07.2022. He further submits that as per allegation in the F.I.R. that the petitioner has purchased the solar lights access amount to the prescribed by the BRED, Government of Bihar in lieu of that Rs.3,89,610/- as access amount paid to the supplier and the amount was deducted from the joint account of the petitioner and Ex-Mukhiya and petitioner has no role in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial



custody since 17.04.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. 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 Chief Judicial Magistrate, Khagaria in connection with Mansi P.S. Case No. 230 of 2022, 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)

mdrashid/-

U		T	
---	--	---	--

