

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45018 of 2022

Arising Out of PS. Case No.-313 Year-2021 Thana- PHULPARAS District- Madhubani

SANTOSH THAKUR @ SANTOSH KUMAR Son of Sri Lal Thakur
Resident of village - Suriyahi, P.S.- Phulparas, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratanakar Jha, Advocate

For the Opposite Party/s : Mr.Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 18-03-2023 Let the defect(s), if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Phulprash P.S. Case No.313 of 2021 registered for the offences punishable under Sections 406, 420, 504 and 506/34 of the Indian Penal Code.

As per the prosecution, the informant alleged that amount of Rs.14,83,700/- was sanctioned under *Nal Jal Yojana* for construction of water tank and the informant was entrusted to complete the said construction work and initially an amount



of Rs.7,39,000/- was allotted to him and in the course of construction work the informant invested/spent a sum of Rs.13,42,630/- which was not paid back by the petitioner and other co-accused. Further Rs.2 lakh was taken from the informant by the petitioner to pay the labourers but the petitioner did not pay them.

The main submissions advanced by the learned counsel for the petitioner are that the petitioner is son of the ward member of concerned ward and he has fair and clean antecedent, the instant case is a counter blast to the case filed by the father of the petitioner against the informant of the present case vide Phulparas P.S. Case No.350 of 2021 lodged under Sections 406 and 409 of IPC with the same allegations leveled against the prosecution party, no offence as alleged in the FIR is made out against the petitioner as the alleged construction work was entrusted to the informant himself to complete the same but by filing the instant case he tried to avoid his own liability which arose from his non-completion of the alleged construction work. Further submission is that the petitioner has been languishing in jail since 26.12.2021 and against him the investigation has been completed and during investigation the witnesses examined by the I.O. have not supported the



prosecution’s case.

Learned APP appearing for the State has opposed the bail prayer.

In view of the facts, as stated above, and considering the nature of allegation appearing against the petitioner, in the opinion of this Court a lenient approach can be taken in respect of the petitioner’s prayer, let the petitioner 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 concerned Court in connection with Phulprash P.S. Case No.313 of 2021.

(Shailendra Singh, J)

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