

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47327 of 2023

Arising Out of PS. Case No.-377 Year-2022 Thana- UJIYARPUR District- Samastipur

Mantun Ram Son Of Late Pyare Ram R/O-Hasauli Ward No. 05, P.O.-Pataili,
P.S.-Ujiarpur, Distt.-Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Neeraj Kumar
		Mr. Ram Nibash Prasad, Advocates
For the Opposite Party/s :		Mr. Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 25-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since
01.02.2023, in connection with Ujiarpur P.S. Case No. 377 of
2022, F.I.R. dated 26.11.2022 registered for the offences
punishable under Sections 420, 409/34 of the Indian Penal Code.

3. Allegation against the petitioner is that he along
with co-accused person have defalcated an amount of Rs.
10,84,998/- of the State Government.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely
implicated in the present case and the petitioner is Secretary of
Ward No. 5 of Gram Panchayat Raj Pataili Purvi and as per
allegation in the F.I.R. the petitioner and other co-accused person



have defalcated an amount of Rs. 10,84,998/- issued by the Government for completion of work in question. Learned counsel for the petitioner further submits that although the petitioner was in judicial custody since 01.02.2023 but the wife of the petitioner has completed the work in question and the work in question has already been completed by the wife of the petitioner and the technical expert who is also Junior Engineer of the concerned locality has given a certificate that the work in question has been completed by the wife of the petitioner and it has come during investigation in paragraph-16 of the case diary that the work in question has been completed by the wife of the petitioner. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 01.02.2023.

5. The learned Additional Public Prosecutor for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner but fairly submits that it has come during investigation that the wife of the petitioner has completed the work in question.

6. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Dalsingsarai, District-



Samastipur in connection with Ujiarpur P.S. Case No. 377 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 witness, 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 antecedents, 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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