

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 48676 of 2023

Arising Out of PS. Case No.-446 Year-2022 Thana- RAGHOPUR District- Supaul

Manoj Kumar Sharma Son Of Sheo Narayan Sharma Resident Of Laxmipur
Ward No.-09, P.S. - Chhatapur, District - Supaul

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Naresh Kumar Mehta, Adv.

For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 11-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 409, 420/34 of the I.P.C.

3. As per the prosecution case, the allegation made in the F.I.R. that in the Gram Panchayat Devipur, there was an order to construct total 29 sheds for animals but during course of inspection, it was found that there was only construction of 8 sheds, 6 sheds were partly constructed, 10 sheds were not constructed properly and construction of 5 sheds were not started, in which huge public money has been misappropriated from the Government's Coffer.

4. Learned counsel for the petitioner submits that

petitioner is *Panchayat Rojgar Sevak*. Counsel submits that the role of the petitioner is very limited to forward the documents. Counsel also submits that the payment has been made at the instance of *Mukhiya* and *Panchayat Rojgar Sevak*. Counsel submits that *Mukhiya* has moved before this Court who has been granted anticipatory bail by the Co-ordinate Bench of this Court vide order dated 27.07.2023 passed in Cr. Misc. No. 37649 of 2023.

5. Learned counsel for the petitioner further submits that the alleged amount was Rs.5,76,035/- which was alleged to be returned in the Government's Coffer and *Mukhiya* has been granted anticipatory bail, thereafter. Counsel submits that the petitioner is a *Panchayat Rojgar Sevak* and there is no apprehension of his absconding in this case. Counsel submits that petitioner is ready to support the trial.

6. Learned A.P.P. for the State opposes the prayer for bail and submits that it has to be verified that whether the said amount has been deposited or not.

7. In the present facts and circumstances of the case and the submissions made above, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 6

weeks from today, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate- 1st, Birpur at District- Supaul, in connection with Raghapur P.S. Case No. 446 of 2022, dated 01.12.2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and his bail shall be confirmed only after producing the proof that the alleged money defalcated has already been deposited in the Government's Exchequer.

(Dr. Anshuman, J.)

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