

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61356 of 2021

Arising Out of PS. Case No.-44 Year-2021 Thana- BENIPATTI District- Madhubani

1. KAMLESH JHA S/o Late Rajendra Jha Jha R/o village- Depura, P.S.- Benipatti, District- Madhubani
2. Ashish Kumar Jha S/o Kamlesh Jha R/o village- Depura, P.S.- Benipatti, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Baidya Nath Thakur, Adv.
For the Opposite Party/s :	Mr.Dilip Kumar No.1, APP
For the PACs Chairman :	Mr.Subhash Kumar Jha, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

12 15-05-2023 Heard the parties.

Earlier vide order dated 13.07.2022, this application with regard to petitioner no.2 namely Ashish Kumar Jha, was dismissed as withdrawn. As such, this application is being heard and disposed of on behalf of petitioner no.1 only.

The petitioners apprehend their arrest in a case registered for the offence punishable u/s 406, 409 and 420 of the IPC.

As per the prosecution case, after the election of Mahmadpur Panchayat PACS in 2019, its ex-Chairman and Manager did not hand over the charge of the Committee to the newly elected Chairman. As such, the welfare schemes of the Committee such as food procurement and public distribution



were disrupted. The audit work of the Committee was also not done due to which there is no clarity about the KCC loan.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. Allegation made is that petitioner along with other co-accused persons has defalcated the KCC loan amount of Rs.69,14,430.85, which was to be distributed among 246 farmers from 2009 to 2019. It is submitted that petitioner is ready to deposit Rs.20,00,000/- (Rupees Twenty Lakhs) in the learned Court below in cash and in the form of land document. Petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the case, since the petitioner no.1 is ready to deposit Rs.20,00,000/- (Rupees Twenty Lakhs), let the above named petitioner no.1, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is



pending/Successor Court in connection with Benipatti P.S. Case No.44/2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

However, the bail bond of the petitioner no.1 shall be accepted by the learned Court below after deposit of Rs.10,00,000/- (Rupees Ten Lakhs) in the Court below and rest Rs.10,00,000/- (Rupees Ten Lakhs) shall be in the form of land document, which shall be verified by the learned Court below, whether the said land is in the name of petitioner or not. Thereafter, his bail bonds shall be accepted.

The aforesaid amount shall be subject to the final outcome of the criminal case.

(Anjani Kumar Sharan, J)

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