

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.53785 of 2022**

Arising Out of PS. Case No.-200 Year-2022 Thana- KAHALGAON District- Bhagalpur

Parmanand Dubey Son Of Hari Shankar Dubey R/O Village- Sadanandpur  
Baisa, Ward No.-03, P.S.- Kahalgaon, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Diwakar Upadhyaya, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

6      20-06-2023                      Heard learned counsel for the petitioner and learned  
APP for the State.

Petitioner seeks bail, who is in custody since 24.05.2022, in connection with Kahalgaon P.S. Case No. 200 of 2022, F.I.R. dated 10.03.2022 registered for the offences punishable under Sections 406, 420, 409, 34 of the Indian Penal Code.

Allegation against the petitioner is of embezzlement of Rs. 7,45,550/-.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that it appears from the F.I.R. that the allegation as alleged against the petitioner that he has embezzled Rs. 7,45,550/-. He further



submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that in fact all the amount in question was transferred to the account of co-accused Arvind Kumar Nirala and the said Arvind Kumar Nirala has not completed the work in question and the petitioner has no role at all in the present occurrence and the said Arvind Kumar Nirala has been granted bail by a Coordinate Bench of this Court vide order dated 16.05.2023 passed in Cr. Misc. No. 15100 of 2023. he further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 24.05.2022.

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

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 Chief Judicial Magistrate, Bhagalpur in connection with Kahalgaon P.S. Case No. 200 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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