

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61490 of 2022

Arising Out of PS. Case No.-6 Year-2022 Thana- EKCHARI District- Bhagalpur

JAMINDAR PRASAD, SON OF LATE BHAGWAN SAH @ BHAGWAN
BHAGAT, Resident of Village- Tarwa Dulduliya, P.S.- Pirpainti, District-
Bhagalpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tarun Prasad Mandal, Advocate

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

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 02-02-2023 Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner seeks bail in connection with Ekchari P.S.
Case No. 6 of 2022 registered for the offence punishable under
Sections 406, 420 and 34 of the Indian Penal Code.

There is allegation as per FIR, which has been instituted
on direction of the Block Development Officer and lodged by the
Panchayat Secretary alleging misappropriation of Rs.2,00,000/- (Two
lakh rupees), which the petitioner had withdrawn in and around
December 2019 for discharging some contractual obligations in
respect of civil work under the State Government's *Nal Jal Yojna*.

Learned counsel for the petitioner submits that the
petitioner had a *bona fide* intention of executing the works but due to
advent of the restrictions on account of Covid-19 pandemic in early



2020 and flooding of the area where the work was to be discharged, some delay has occurred and no criminal offence is made out. At best, the allegation gives rise to contractual obligations, and for establishing his *bona fides* he is also willing to repay the amount, but in four equal installments spread over four months. He is in custody since 23.07.2022 and has no antecedents. Investigation is complete.

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

Considering the rival submissions, the nature of accusations, the petitioner's period of custody and clean antecedents, as also the fact that investigation is complete, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel.

Prayer for bail of the petitioner is allowed.

The petitioner would be under an obligation, as per statement of learned counsel representing him, to make deposits as noted above, the first being on the date of his release, but for the limited purposes of bail.

Let the petitioner, above named, 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 learned J.M.-Ist Class, Bhagalpur, in connection with Ekchari P.S. Case No. 6 of 2022, subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to



how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii)That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner’s counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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