

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61689 of 2022**

Arising Out of PS. Case No.-13 Year-2021 Thana- SURYAPURA District- Rohtas

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KRISHNA KUMAR Son of Lal Bihari Singh R/V- Sivobahar (Tola) P.S-
Surajpura, Dist- Rohtas Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Surendra Kumar Singh

For the Opposite Party/s : Mr.Parmeshwar Mehta

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 17-01-2023 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Surajpura P.S. Case No. 13 of 2021, registered for the offence punishable under Sections 420 and 409 of the Indian Penal Code.

The case of the prosecution, in brief, is that the Block Development Officer, Surajpura, vide letter dated 7.11.2020, had made a complaint that the petitioner, who is the Ward Secretary of Gram Panchayat, Shivo-Bahar, Ward No. 5, had, along with other co-accused persons, illegally withdrawn a sum of Rs. 22,70,000/-, meant for the Nal Jal Yojna scheme to be carried out in the



Gram Panchayat, however, the work was not completed resulting in the petitioner having defalcated Government money of Nal Jal Yojna.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 13.7.2022. The learned counsel for the petitioner has submitted by referring to paragraphs no. 16 and 23 of the present petition that the measurement book was produced & submitted by the Junior Engineer before the Surajpura Police Station certifying that as per the measurement book, work to the tune of Rs. 14,93,000/- has already been completed and thereafter, further work worth Rs. 3,00,000/- has been got done by the nephew of the petitioner, hence, at best, work to the tune of Rs. 4,77,000/- can be stated to have not been completed, thus, the petitioner is ready to deposit a lump sum amount of Rs. 4.75 lakh, for the purposes of grant of bail.



Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that the petitioner is languishing in custody since about one year, I deem it fit and proper to direct for release of the petitioner on bail, upon deposit of a sum of Rs. 4,75,000/- with the Nazarat of the learned civil court, Rohtas at Sasaram and further subject to such conditions as may be deemed fit and proper to be imposed by the learned court of Judicial Magistrate-1st Class, Bikramganj (Rohtas) in connection with Surajpura P.S.Case No. 13 of 2021.

The present petition stands disposed of with the aforesaid observations and directions.

(Mohit Kumar Shah, J)

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