

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65042 of 2022

Arising Out of PS. Case No.-406 Year-2019 Thana- DARBHANGA SADAR District-
Darbhanga

MD. YAQOOB @ YAKUB SON OF MD. ISHAK R/O VILLAGE-
JHAGARUA, P.S.- JAMALPUR, DISTRICT- DARBHANGA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Fahad Khurshid, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 05-05-2023 Heard the parties.

Learned counsel for the petitioner has filed a
supplementary affidavit.

Let it be kept on record.

The petitioner apprehends his arrest in a case registered for
the offences punishable under Sections 406, 420 of the Indian
Penal Code.

Allegedly, petitioner is said to have defalcated the
government money worth Rs. 17,99,700/-.

It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has committed no offence. No such
occurrence as alleged ever took place. He has been falsely
implicated in this case due to ulterior motive. The allegation
levelled against the petitioner is not specific rather general and
omnibus in nature. It is further submitted that the petitioner
received Rs. 3 lakhs of the fund first time on 04.09.2012 to



distribute pension amongst the pensioners and thereafter second payment of Rs. 3.50 lakhs was released on 16.10.2012 again to distribute, after clearance of the first installment which was properly maintained in the payment register on the basis of vouchers of beneficiaries. He further submitted that as per rules and guidelines of the department, no next fund or amount shall be released to distribute without clearance of previous payment, therefore, allegation of embezzlement of a big amount released in different dates is completely baseless and false. He further submitted that as a matter of fact, this petitioner has distributed the amount among pensioners/beneficiaries very honestly but after his retirement, this false case was instituted with mala fide intention. It is further submitted that the petitioner wrote a letter to District Panchayati Raj Officer Darbhanga for pension and pensionary benefit citing his old age of 70 years on 19.07.2022. The District Magistrate vide letter No. 2041 dated 01.08.2022 wrote to B.D.O. Sadar Block Darbhanga to verify the credential, inquire into the matter and start his pension, but this letter was ignored. It is further submitted by the petitioner through para 3 of the supplementary affidavit dated 05.05.2023 that he is ready to refund and deposit the amount of Rs. 17,99,700/- in the account of the Block Development Officer Sadar Darbhanga in easy and equal installments. Petitioner has no criminal antecedent as mentioned in



para-3 of this application.

Learned APP for the State opposed the prayer for bail and submitted that there is specific allegation of defalcating government money to the tune of Rs. 17,99,700/- when the petitioner was Panchayat Sachiv.

Petitioner is agreed to deposit Rs. 4,00,000/- (Rupees Four Lacs) in the account of the Block Development Officer Sadar Darbhanga at the time of furnishing bail bond. Thereafter, the rest amount will be adjusted from the retiral benefits of the petitioner.

Having regard to the facts and circumstances of the case, let the above named petitioner, 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 Sadar P.S. Case No. 406 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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