

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58843 of 2022

Arising Out of PS. Case No.-11 Year-2021 Thana- KONCH District- Gaya

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SHEO POOJAN KUMAR SON OF PRADEEP PRASAD R/O VILLAGE-
CHAINPUR TOLA GANGOBHGA, P.S.- KONCH, DISTRICT- GAYA

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nand Kishore Prasad Sinha, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-02-2023 Heard learned counsel for the petitioner and the

State.

The petitioner apprehends his arrest in connection
with Konch P.S. Case No. 11 of 2021 instituted under Sections
420, 406 and 120B of the Indian Penal Code.

As per the prosecution story, the Panchayat Secretary
alleged that he was instructed by the Block Development
Officer, Konch Block to the effect that the petitioner got
transferred Rs. 10 lakh but the work was not completed and as
such has defalcated the amount.

Accordingly, the FIR.

Learned counsel for the petitioner has taken this court
to Annexure-2 of the petition that is a letter issued by the Block
Development Officer, Konch to the Officer Incharge of the



Konch Police stating that now the work worth Rs. 9,71, 669/- has been completed.

Learned APP on the other hand opposes the prayer for bail.

Taking into account the fact that a certificate has been issued by the Block Development Officer (on whose instruction, the FIR was lodged) that the project has been completed and work worth Rs. 9,71,669/- has been done (Annexure-2), the petitioner do not have criminal antecedent and now the FIR has been lodged, has to face the music, this Court is inclined to extend him privilege of anticipatory bail.

Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Konch P.S. Case No. 11 of 2021 to the satisfaction of learned Judicial Magistrate, 1st Class, Gaya, subject to the conditions as laid down under Section 438(2) of the Cr.P.C and with the further conditions :

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;



(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial Court itself;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Ajay Singh/-

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