

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65527 of 2023

Arising Out of PS. Case No.-106 Year-2022 Thana- KAKO District- Jehanabad

Satish Kumar, aged about 35 years (Male), son of Ram Naresh Prasad,
resident of village- Jitu Bigha, PS- Ghoshi, Dist- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kunwar Digvijay Singh, Advocate

For the Opposite Party/s : Mr. Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 07-11-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with
Kako PS Case No.106 of 2022 dated 06.06.2022, instituted
under Sections 409 of the Indian Penal Code.

3. The allegation against the petitioner is of
misappropriation of government money amounting to
Rs.4,25,961/-.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this
case. It is submitted that the petitioner is the Junior Engineer of
the *Nal Jal* scheme. It is further submitted that the defalcated
amount i.e., Rs.4,25,961/- has been deposited by the Contractor
in view of letter no. 543 dated 24.02.2023 in the account of



Ward Management *Samiti* bearing account no. 2392000100072248. It is further submitted that co-accused, Rehana Khatoon, who is the Ward Member of the said *Panchayat* has been granted anticipatory bail by a co-ordinate Bench of this Court vide Cr. Misc. No. 58485 of 2023. It is also submitted that the Contractor, Mobinul Hasan @ Minto, has been granted regular bail by the Court below by order dated 03.10.2023. Lastly, it is submitted that the petitioner has one criminal antecedents.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Jehanabad, in Kako PS Case No.106 of 2022, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973, and further (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond



shall be cancelled by the Court below, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that if the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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