

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59869 of 2022

Arising Out of PS. Case No.-95 Year-2021 Thana- SIKARPUR District- West Champaran

HRIDYANAND TIWARI Son of Krishnadeo Tiwari Resident of Village-
Jaimangalpur, P.S.- Shikarpur, District- West Champaran, At present Secretary
of Implementation and Managing Committee, Gram Panchayat Raj
Dhumnagar, Ward No.-10, Block- Narkatiaganj, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Bashistha Narayan Mishra, Advocate Mr.Brij Kishor Mishra, Advocate Mr.Avinash Rai, Advocate
For the Opposite Party/s	:	Mr.Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 20-02-2023 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Shikarpur P.S. Case No. 95 of 2021 registered for the offence
under Sections 406, 409 and 420 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 16.05.2022.

The allegation against the petitioner is to
misappropriate the fund of Rs. 12,69,000/- allotted for
Mukhyamantri Gramin Peyjal Nishchay Yojna in the capacity of



Panchayat Secretary with allegation that work was not completed as sanctioned.

Learned counsel appearing on behalf of the petitioner submitted that work as ordered was completed by this petitioner but due to flat variations of measurement, the present false implication was raised by the present Panchayat Secretary. It is submitted that after measurement, it was found that only a work of Rs. 46,300/- appears to be doubtful out of allotted fund of Rs. 12,69,000/-, which was deposited by the petitioner through treasury challan in given bank account of the Panchayat and also obtained “No Dues Certificate” from the present Block Development Officer, Narkatiaganj. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation of this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

In view of the facts and circumstances as mentioned above, as “No Dues Certificate” was obtained by the petitioner after depositing the alleged misappropriate amount coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in



connection with Shikarpur P.S. Case No. 95 of 2021 on
furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with
two sureties of the like amount each to the satisfaction of
learned Chief Judicial Magistrate, Bettiah, District-West
Champaran/concerned Court, subject to the conditions as laid
down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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