

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62667 of 2022

Arising Out of PS. Case No.-146 Year-2021 Thana- DINARA District- Rohtas

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PANKAJ KUMAR Son of Raj Kameshwar Singh R/O Village - Helha, P.S.-
Dinara, District - Rohtas at Sasaram Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Dimpal Kumari, Advocate
For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 22-05-2023 Heard Mrs. Dimpal Kumari, learned counsel for the

petitioner and the State.

The petitioner is apprehending his arrest in connection
with Dinara P.S. Case No. 146 of 2021 for the offence under
Sections 406 and 409 of the I.P.C. lodged on 05.08.2021 by the
informant Devvansh Pathak.

The prosecution story, in brief, is that one Devbansh
Pathak alleged therein that in Nauwa Gram Panchayat Scheme
under the 'Nal Jal Yojna' under the 'Saat Nischay Yojna' was
being done and in that connection it has been alleged that in
Ward no. 07, payment of Rs. 18,24,900/- through cheque was
given but even after withdrawal of the money from the Bank,
the work has not been completed. Accordingly, the FIR.

Learned counsel for the petitioner submits that
allegation is of release of Rs. 18,24,900/- in the joint account of
the President and Secretary (the petitioner herein). By way of
supplementary affidavit, it has been incorporated in para 5 that



of the aforesaid amount work, worth Rs. 15,66,846/- was completed while rest of the amount i.e. Rs. 2,58,054/- was returned to the office. However, she concedes that the required certificate of the concerned authority is not on record.

Learned APP opposes the prayer stating that allegation is of defalcation has been made against the petitioner.

Accepting the version put forward by the learned counsel for the petitioner in supplementary affidavit as also the fact that he has no criminal antecedent, this Court is inclined to extend him conditional anticipatory bail with the following observations:

(i) the petitioner will appear before the Block Panchayati Raj Officer, Kochas, Rohtas and present the documents in support of his contention made in para 13 of the petition which has been reproduced in para 5 of the supplementary affidavit within a week of his surrender and release;

(ii) the Block Panchayati Raj Officer, Kochas, Rohtas will further look into all the documents and will certify whether the said statement made by the petitioner is correct or not;

(iii) the certificate so provided by the Block Panchayati Raj Officer, Kochas shall be submitted before the



concerned Court;

(iv) if the Court is satisfied about the statement so recorded by the petitioner matches the certificate, it shall confirm his bail;

(v) if the petitioner fails to abide by the aforesaid conditions, the Court will not confirm bail beyond eight weeks.

Let the petitioner be released conditionally in the event of arrest or surrender within a period of four weeks from the receipt of this order for a period of eight weeks, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Rohtas at Sasaram, in connection with Dinara P.S. Case No. 146 of 2021 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Before parting, this Court would like to put on record its word of appreciation for Mrs. Dimpal Kumari, learned counsel for the petitioner for the proper assistance to the Court.

(Rajiv Roy, J)

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