

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 67209 of 2023

Arising Out of PS. Case No.-283 Year-2021 Thana- GOGRI District- Khagaria

Lal Mohan Yadav S/O Late Tanuki Yadav R/O Village- Purani Paura, Ps.
Gogari (Paura O.P.), Dist. Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 17-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Gogari (Paura) P.S. Case No. 283 of 2021 dated 25.06.2021,
lodged under Sections 409 & 420 of the I.P.C.

3. As per the prosecution case, the F.I.R. has been
lodged against the Chairman & Secretary of Ward No. 3 & 6.
The petitioner is the Secretary of Ward No. 6, against whom the
allegation is that they have committed irregularities in
implementation of different schemes of the Government in Ward
No. 6.

4. Learned counsel for the petitioner submits that
there were work of bricks soling amounting Rs.2,16,100/-.
Counsel submits that the said work has been completed.

Counsel submits that it is true that B.D.O., Gogari has intimated vide letter no. 1115 dated 20.09.2019 that at the place of work, the work of *nala* has not been completed. But on the other hand, the villagers have intimated that work has been completed which is annexed as Annexure- 4 series.

5. Learned A.P.P. for the State opposes the prayer for bail and submits that the B.D.O., Gogari has prepared the report in the year 2019, whereas the F.I.R. has been lodged in the year 2021. Now, the onus is upon the petitioner to satisfy the Court that whether he has completed the work or not.

6. Learned A.P.P. for the State further submits that it is true that Annexure- 4 is the certificate issued by the villagers in which the villagers indicated that the work has been completed.

7. In this view of the matter, counsel for the petitioner submits that petitioner has completed the work to the satisfaction of the Officials.

8. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted provisional bail for three months on furnishing bail bonds of Rs. 30,000/- (Rupees Thirty Thousand Only) with two sureties of the like amount each to the satisfaction of learned C.J.M., Khagaria in connection with

Gogari (Paura) P.S. Case No. 283 of 2021 corresponding to G.R. No. 2002 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *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 bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

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

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

9. The Trial Court is directed to confirm the provisional bail of the petitioner only when he shall provide a certificate obtained from the B.D.O., Gogari that he has

completed the work, as per the allotment including the work of *sokhta* and *nala* about which the B.D.O., Gogari has given the report on 20.09.2019 that the said work has not been completed by the petitioner. It is made clear that the said certificate shall be provided by the petitioner before the Trial Court within three months from the date of confirmation of provisional bail by him.

10. In case, the petitioner failed to produce the said certificate before the Trial Court within three months from the said date, the Trial Court shall be at liberty to cancel the bail bond of the petitioner.

11. With this observation, the bail application stands disposed of.

(Dr. Anshuman, J.)

sadique/-

U		T	
---	--	---	--