

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67909 of 2022

Arising Out of PS. Case No.-134 Year-2022 Thana- CHORAUT District- Sitamarhi

BAUAJI MANDAL S/O LATE RAM JATAN MANDAL Resident of village-
Choraut Tola Kokan, P.S.- Choraut, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ashok Kumar Garg, Advocate Mr.Sanjiv Kumar Pathak, Advocate
For the Opposite Party/s	:	Mr.Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 14-03-2023 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 Choraut
P.S. Case No. 134 of 2022 registered for the offence under
Sections 409, 420 and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 21.08.2022.

The allegation against the petitioner is to defalcate
amount of Rs. 17,00,000/- allotted for the purpose of ‘**Nal Jal
Yojna**’.

Learned counsel appearing on behalf of the petitioner



submitted that the entire amount as received by the petitioner transferred to the bank account of local mukhiya, namely, Upendra Mukhiya, who was in the real control for the execution of assigned work. It is submitted that despite of fact that the entire payment was transferred to the account of Upendra Mukhiya, he was not made accused in the present case, where petitioner appears to be victim of police atrocities. It is further submitted that the thrust of allegation is available against Upendra Mukhiya, where petitioner has been implicated only being the elected Ward Member. 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 thrust of allegation is available against Upendra Mukhiya, who appears to recipient of entire amount of Rs. 17,00,000/- as per the bank transaction 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 Choraut P.S. Case No. 134 of 2022 on furnishing bail bond



of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Pupri, District-Sitamarhi/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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