

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7575 of 2024

Arising Out of PS. Case No.-149 Year-2023 Thana- PARIHAR District- Sitamarhi

Mukesh Kumar Son Of Ram Sharan Thakur R/O-Parihar North Ward No. 14
P.S.-Parihar Distt.-Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Kumar, Advocate
For the State : Mr. Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 12-07-2024 Heard Mr. Uday Kumar, learned senior counsel for
the petitioner and Mr. Parmeshwar Mehta, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Parihar P.S. Case No. 149 of 2023, F.I.R. dated 07.06.2023 for the offences punishable under Sections 406, 420 and 34 of the Indian Penal Code.

3. According to prosecution case, petitioner along with co-accused person is said to have defalcated the Government amount of Rs. 5,00,000/- under Nal-Jal Yojna.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case merely on the ground that the petitioner is Ward Secretary of Ward No. 14, Gram Panchayat



Raj Parihar North Prakhand Parihar, District- Sitamarhi. He further submits that the allegation against the petitioner and other co-accused person, namely, Rinki Kumari @ Rinku Kumari, who is also a ward member of the Ward No. 14, is that they have misappropriated the Government amount of Rs.5,00,000/-. He further submits that other co-accused person, namely, Rinki Kumari @ Rinku Kumari, who is the ward member of the Ward No.14 has already been granted bail by this Court vide order dated 19.03.2024 passed in Cr. Misc. No. 4216 of 2024. Learned counsel for the petitioner outrightly submits that the petitioner is ready to deposit Rs.2,50,000/- in the official account of the informant.

5. The learned Additional Public Prosecutor for the State has vehemently opposes the prayer for bail of the petitioner.

6. Considering the aforesaid facts, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Sitamarhi in connection with Parihar P.S. Case No. 149 of



2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. At the time of furnishing bail bond, the petitioner shall produce a demand draft of Rs 2,50,000/- in favour of the official account of the Panchayat Secretary, Gram Panchayat Raj Parihar North and learned Court below is directed to hand over the said demand draft to the informant or his representative.

ii. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

iii. 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.

iv. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order



shall not be delayed for purpose of or in the name of
verification.

(Rajesh Kumar Verma, J)

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