

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14267 of 2024

Arising Out of PS. Case No.-166 Year-2020 Thana- CHHAURADANO District- East
Champaran

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Krishna Ram, Male, aged about 57 years, Son of Late Shiv Bachan Ram, the
then Block Nazir of Chhauradano Block, Resident of village - Dumarbana,
Post + Police Station - Pakri Dayal, District - East Champaran - 845428

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh, Advocate

For the Opposite Party/s : Dr. Indihar Kumari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 16-04-2024 Heard Mr. Manoj Kumar Singh, learned counsel

appearing on behalf of the petitioner and Dr. Indihar Kumari,

learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Chhauradano P.S. Case No. 166 of 2020, registered for the
offence punishable under Section 409 of the Indian Penal Code.

3. As per the allegation made in the FIR, on the basis
of information given by the Block Development Officer,
Chhauradano, District- East Champaran, Motihari, the
petitioner, while he was posted as Block Nazir, had allegedly
defalcated Rs. 32,62,910/-

4. Learned counsel appearing on behalf of the
petitioner submitted that vide order dated 12.03.2024, this Court
had directed the District Magistrate, East Champaran, to file



counter affidavit, which has been filed by the District Magistrate duly sworn by the Block Development Officer, in which, in paragraph no. 10, it has been admitted that the amount, which has been alleged to have been defalcated by the petitioner, while he was posted as Nazir, has already been deposited by the Panchayat Secretary in Bank Account No. 34021681607 of State Bank of India, Ekdari Branch. Learned counsel further submitted that petitioner is innocent and now he has retired and has unnecessarily been dragged in a false case lodged by the Block Development Officer concerned. Petitioner has clean antecedent. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State also informs that as per the statement made in paragraph no. 10 of the counter affidavit, the petitioner has been dragged in the present case by the Block Development Officer, who, without verifying from the records, had filed a false case.

6. Considering the rival submissions made on behalf of the parties, as well as, the specific statement made on behalf of the District Magistrate in paragraph no. 10 of the counter affidavit filed in compliance of the order dated 12.03.2024, that the Panchayat Secretary of the concerned block has already



deposited the entire amount of Rs. 32,62,910/- in Bank Account No. 34021681607 of State Bank of India, Ekdari Branch. I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his/her arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Raxaul, Motihari, in connection with Chhauradano P.S. Case No. 166 of 2020, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. **The Court below is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.**

(Purnendu Singh, J)

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