

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19243 of 2024

Arising Out of PS. Case No.-142 Year-2023 Thana- DURGAWATI District- Kaimur (Bhabua)

Manoj Kumar @ Manoj Kumar Vidyarthi S/o Sri Ram ji Singh R/o Vill -
Tarbangla Dehri, P.S. - Dehri, Dist. - Rohtas At present Working as Junior
Engineer at Khagaria District

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Kaushlendra, Adv.

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 22-11-2024 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Durgawati P.S. Case No. 142 of 2023 for the offence registered under sections 409, 420 and 34 of the IPC lodged on 15.05.2023 by the informant Ashok Kumar.

3. As per the prosecution story, the informant alleged that upon a complaint filed by a local villager, inquiry took place and defalcation of huge Government amount in connivance with the officials/Mukhiya took place which came to the light and led to the FIR.

4. Learned Counsel for the petitioner submits that he has joined the service in the year 2012 as Junior Engineer and



at the relevant time, was though posted there, the work mentioned in Serial no. 6 were completed but since no M.B. record was available, it was inferred that no work has been done, which led to his implication. It is his submission that total amount against allegedly assigned to him is Rs. 7,61,331/-.

5. Learned APP has filed counter affidavit on behalf of the Sub Divisional Officer, Mohania and Mr. Jitendra Kumar Singh took this Court to paragraph 10 to show the petitioner's implication.

6. Learned counsel for the petitioner submits that though he is ready to satisfy the higher authorities regarding the work having been done for the amount withdrawn, without accepting the allegation and/or the outcome of the present case, he is ready to pay Rs. 5,00,000/- in the official account of the Block Development Officer, Durgawati Block, Kaimur (Bhabua) through Demand Draft issued by the local branch of the State Bank of India, which in turn shall be returned to the coffers of the amount from which it was originally withdrawn.

7. Though allegations are there, upon query, it was informed that the petitioner is serving the State Government, he do not have criminal antecedent, in that background, this Court is inclined to grant him the anticipatory bail with conditions



subject to payment of Rs. 5,00,000/- to the Block Development Officer, Durgawati Block, Kaimur (Bhabua) as undertaken by the learned counsel for the petitioner to be paid by Demand Draft of local State Bank of India and the receipts have to be submitted before the Trial Court.

8. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Ld. Sub Divisional Judicial Magistrate, Kaimur (Bhabhua) in connection with Durgawati P.S. Case No. 142 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives 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 bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences,



failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(iv) 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.

(Rajiv Roy, J)

Vijay Singh/-

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