

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19777 of 2024

Arising Out of PS. Case No.-73 Year-2023 Thana- GHOGHARDIHA District- Madhubani

Shri Mohan Jha @ Shrimohan Jha Son of Late Ghuran Jha Resident of
Village- Chikna, P.S.- Ghoghardiha, Dist.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratnakar Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 08-05-2024 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending arrest in connection with G.R. No. 785/2023 arising out of Ghoghardiha P.S. Case No. 73/2023 registered on 03.05.2023 for the offences punishable under Sections 409, 420/34 of the Indian Penal Code.

3. As per prosecution, the present FIR has been lodged against the present petitioner and others alleging therein that the petitioner being the Secretary has defalcated Rs. 1,60,751/- and not completed the work of of Gram Panchayat Raj Chikna under the Chief Minister Rural Drinking Water scheme in the District of Madhubani.

4. It is submitted by learned counsel for the petitioner



that for the said Panchayat Chikna, other accused person Hira Nand Mishra was also made accused and he was arrested in the present case. Subsequently, he moved before this Hon'ble Court for regular bail then Hon'ble Court on being satisfied that the work of Rs. 1,60,751/-, the alleged defalcated amount, has been completed which is apparent from Annexure-2 to the supplementary affidavit as acknowledged in the order dated 17.02.2024 passed in Criminal Miscellaneous No. 7047 of 2024. Learned counsel for the petitioner further submits that since the work has already been completed, therefore, the petitioner may be granted bail. The antecedent of the petitioner is also clean.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that on perusal of supplementary affidavit filed by the petitioner, it transpires that in the order it has been acknowledged that work has been done.

6. This Court has doubt that such certificate is in possession of the petitioner as he has not deposited the said certificate but sine this Hon'ble Court has acknowledged about it in its order, the petitioner above named be directed to be released on provisional bail, in the event of arrest or surrender before the learned Court below within a period of 6 weeks from today, on furnishing bail bond of ₹30000/- (thirty thousand)



with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Jhanjharpur, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The provisional bail of the petitioner shall be confirmed by the trial Court on the production of a certificate issued by the competent authority showing that the work in the said panchayat Chikna for which the case has been lodged, has been completed. The said exercise shall be completed by the petitioner within two months from the date of acceptance of his provisional bail. In the event, the petitioner fails to produce the aforesaid completion certificate, the trial Court shall cancel the provisional bail granted to the petitioner.

(Dr. Anshuman, J)

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