

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35042 of 2024

Arising Out of PS. Case No.-110 Year-2022 Thana- BHIMPUR District- Supaul

Ghutar Prasad Yadav son of Sri Kokan Prasad Yadav Resident of At and P.O.-
Hulas, P.S.- Raghobpur, Dist.- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Dr. Kumar Uday Pratap, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 21-06-2024 Heard learned counsel for the parties.

2. Petitioner seeks regular bail in connection with Bhimpur P. S. Case No. 110/2022 in a case registered for the offences punishable under Sections 406, 409/34 of the Indian Penal Code.

3. As per the prosecution case, it is alleged that petitioner being Panchayat Secretary of Jeevachpur Panchayat with connivance with the then Mukhiya embezzled Rs. 39,73,600/- of Government Schemes.

4. Learned counsel for the petitioner submits that due to Covid lockdown, out of 11 schemes, execution of work remained incomplete with respect to only 5 schemes. When the petitioner re-started work, he was disturbed by the anti social elements. At the relevant point of time, petitioner was Panchayat



Secretary and he was not solely responsible for allotment of work or completion of the work or issuance of the allocation. It is next submitted that petitioner has already retired on 31.08.2021 but no one came forward to take charge from him. In paragraph No. 15 of the petition the petitioner has stated that almost all the work has been completed and he is ready to refund rest of the amount in the office. Petitioner claims clean antecedent and he is in custody since 09.10.2023.

5. Learned A.P.P. for the State vehemently opposes the bail application.

6. Considering the aforesaid facts and circumstances of the case, the bail application is allowed. Let the above named petitioner 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 Judicial Magistrate, 1st Class, Supaul in connection with Bhimpur P. S. Case No. 110 of 2022 along with the following conditions:

‘(i) At the time of furnishing bail bond, Rs. 3 lacs shall be deposited by the petitioner in the Nazarat of the Court below.

(ii) Another Rs. 2 lacs shall be deposited by the petitioner in two equal installments within a period of six months thereafter.

(iii) Court below shall be at liberty to cancel bail bond



of the petitioner if he fails to comply with these conditions.’

7. It is made clear that, without going into the merit of the case, the aforesaid order has been passed only for the purpose of grant of bail and the amount so deposited would be subject to final outcome of the case.

(Prabhat Kumar Singh, J)

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