

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39237 of 2023

Arising Out of PS. Case No.-52 Year-2023 Thana- KORMA District- Sheikhpura

VIDYANAND PRASAD S/O LATE RAJENDRA PRASAD R/O Village-
Hasanganj, PS.Sheikhpura, Dist.Sheikhpura

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Nandan Prasad, Advocate

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

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 16-05-2024 Heard learned counsel for the petitioner and the State.

2. Petitioner apprehends arrest in a case registered for the offence punishable under Sections 409, 420/34 of the Indian Penal Code.

3. As per prosecution case, all the F.I.R. named accused persons including this petitioner committed irregularities in the execution of several schemes and misappropriated huge amount of Government fund.

4. Learned counsel for the petitioner submits that at the relevant point of time, petitioner was posted as Panchayat Secretary and whenever any amount used to come under the joint account of Mukhiya and Panchayat Secretary for earth filling, laying pipes and bricks etc., the same was transferred in the accounts of ward members and ward secretary for



completion of the work. He next submits that Mukhiya and Panchayat Secretary are only the supervising authority and they are only empowered to complain the wrong doings at work to the higher authorities and as such, petitioner has done his job positively and he has not defalcated any Government money. Lastly, he submits that petitioner is ready to deposit Rs. 1,00,000/- (Rs. One Lakh) to the court below in easy installments, without admitting his guilt.

5. Considering the aforesaid contention made on behalf of the petitioner, this anticipatory bail is allowed and it is ordered that let the above named petitioner in the event of his arrest/surrender before the court below within a period of six weeks from today, be enlarged 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, Sheikhpura in connection with Korma P. S. Case No. 52 of 2023, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure with direction to the petitioner that :-

(i) Petitioner shall refund Rs. 50,000/- (fifty thousand) in the *Nazarat* at the time of furnishing bail-bond and thereafter, rest amount i.e., Rs. 50,000/- (fifty thousand) shall be deposited



in two equal installments i.e. Rs. 25,000/- (twenty five thousand) each within four months in the *Nazarat*, failing which, the learned court below would be at liberty to cancel the bail-bond.

6. It is made clear that without going into the merit of the case, this order has been passed only for the purpose of bail and payment of aforesaid amount shall be subject to the final outcome of the case.

(Prabhat Kumar Singh, J)

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