

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45717 of 2024

Arising Out of PS. Case No.-260 Year-2022 Thana- GOVINDPUR District- Nawada

Shankar Prasad @ Shankar Mahto son of Rajo Mahto Resident Of Village-
Gajodih Ps- Govindpur District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad , Advocate
For the Opposite Party/s : Mr. Pradeep Narain Kumar , APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 25-07-2024 Heard learned counsel for the parties.

2. Petitioner apprehends arrest in a case registered for the offence punishable under Sections 409, 120(B) 420 and of the Indian Penal Code .

3. As per the prosecution case , this petitioner along with other co-accused persons are alleged to have misappropriated Rs. 26 lakh of the government fund which was allotted for the execution of Nal Jal Yojana .

4. After some argument, learned counsel for the petitioner submits that at the relevant time petitioner was posted as *Sachiv* of the concerned ward and he has no role in the



execution of the same . It is further submitted that petitioner has been made accused in this case merely because he was on the post of Sachiv. However, without admitting his guilt, at this stage , he is ready to deposit the amount of **Rs. 13,00,000/- (thirteen lakh rupees)** in easy installments.

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 learned SDJM Nawada in connection with Govindpur P. S. Case No. 260 of 2022 , 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. 5,00,000/- /- (five lakh) through Bank Draft/cash in the Nazarat of Civil Court, Nawada at the time of furnishing bail-bond.

(ii) The petitioner shall refund the rest amount i.e., Rs. 8,00,000/- (eight lacs) in four equal installments through Bank Draft/cash in the Nazarat of Civil Court, Nawada within a period of one year from the date of furnishing bail-bond.



(iii) The aforesaid payment shall be subject to the final outcome of the case .

(iv) If petitioner does not abide by the aforesaid directions, the learned Court below is at liberty to cancel the bail-bond of the petitioner.

(Prabhat Kumar Singh, J)

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