

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47599 of 2023

Arising Out of PS. Case No.-24 Year-2023 Thana- MAIN P.S. District- Gaya

Sanjay Kumar S/O Sri Chandeshwar Ram R/O Mohalla/Village- 318, Magadh Colony Gaya, Road No. 13, P.O And Ps. Chandauli, Dist. Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Ranjan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

14 14-08-2024 Heard Mr.Alok Ranjan, learned counsel for the petitioner and Mr.Parmeshwar Mehta, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Main P.S.Case No.24 of 2023,FIR dated 02.04.2023 registered for the offences punishable under Sections 420,406,467,468,471,34 of IPC.

3. The prosecution case, in short, is that the petitioner, at the relevant time of posting as Technical Assistant of Gram Panchayat alongwith the others during the financial year 2016-21, worked under several Yogna, in which several irregularities were found and it is alleged that Rs.6,47,823/- was defalcated.



4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. Further submits that the allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. In fact the petitioner was holding the post of Technical Assistant at the time of occurrence and he has no role in the present occurrence but fairly submits that on the basis of letter No.3872 dated 19.11.2022, the petitioner is ready to deposit Rs. 1,30,565/-.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner.

6. In view of the aforesaid stand taken by learned counsel for the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 learned A.C.J.M.-IV, Gaya in connection with Main P.S.Case No.24 of 2023, subject to the conditions as laid down under Section 438(2)



of the Code of Criminal Procedure and with other following conditions:-

(I) At the time of furnishing bail bond, out of Rs. 1,30,565/-, the petitioner shall deposit Rs.20,000/- by way of demand draft in favour of DDC, Gaya and the rest amount i.e. Rs. 1,10,565/- shall be paid in ten equal installments and if the petitioner fails to pay rest amount as mentioned in the aforesaid, the authority concerned shall be at liberty to move before the appropriate forum for cancellation of bail bond of the petitioner.

(II) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(III) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(IV) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in



case at any stage, it is found that the petitioner has concealed his/her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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