

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57622 of 2023**

Arising Out of PS. Case No.-390 Year-2022 Thana- BAHERA District- Darbhanga

SHIVJI MOCHI @ SHIVJI RAM SON OF LATE BUTAN MOCHI R/O-
BANSARA, P.S.-RAIYAM, DISTT.-DARBHANGA. Petitioner/s
Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kaushal Kumar Jha
For the Opposite Party/s : Mr. Pawan Kumar Chaurasia

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 27-02-2024 Heard learned counsel for the petitioner and learned A.P.P.
for the State.

2. The petitioner apprehends his arrest in a case registered
for the offences punishable under Sections 406, 409 and 420/34
of the Indian Penal Code.

3. The allegation against the petitioner is of withdrawing of
Rs.4,19,409/- for repairing and renovation of Health Sub
Center, Panchayat Motipur without creating as a health sub
center and thereby committed embezzlement of government
money.

4. It is submitted by learned counsel for the petitioner that
no such occurrence as alleged ever took place. He has been
falsely implicated in this case merely on suspicion. The
allegation levelled against the petitioner is not specific rather
general and omnibus in nature. Petitioner has no criminal



antecedent as mentioned in para-3 of this application. It is further submitted that the repairing and renovation of Health Sub Center of Motipur was unanimously passed in Gram Sabha on 19.01.2018 and the Junior Engineer gave technical sanction to the scheme of repairing and renovation of Health Sub Center amounting to Rs.4,24,500/-. Learned counsel for the petitioner further submits that petitioner is ready to deposit half of the amount i.e. Rs.2,09,705/- in four equal installments subject to final outcome of this case and the he will deposit $\frac{1}{4}^{\text{th}}$ amount of Rs.2,09,705/- by way of demand draft in favour of the Panchayat Secretary, Motipur, Alinagar, Darbhanga at the time of furnishing bail bond and the learned court below is directed to handover the said amount to the Panchayat Secretary, Motipur, Alinagar, Darbhanga or his representative.

5. Learned APP for the State opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection



with Bahera P.S. Case No. 390 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. The learned Court below is directed to accept the bail bond of the petitioner after depositing $\frac{1}{4}^{\text{th}}$ amount of Rs.2,09,705/- by way of demand draft in favour of the Panchayat Secretary, Motipur, Alinagar, Darbhanga. Learned Court below would be at liberty to cancel the bail bond of the petitioner if he fails to deposit rest amount in three equal installments in next three months.

(Anjani Kumar Sharan, J)

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