

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54490 of 2024

Arising Out of PS. Case No.-657 Year-2023 Thana- TURKAULIYA District- East
Champaran

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Raj Kishore Sahani @ Rajkishor @ Raja Kishorn Sahni Son of Panalal
Sahani R/O Vill.- Ajagarwa, P.s.- Banjariya, Dist.- East Champaran. Ex-Ward
Member, Ward no. 12, Gram Panchayat Raj, Pachrukha East.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 14-08-2024 Heard Mr. Abhishek Kumar, learned Advocate for the

petitioner and the learned APP for the State.

2. The application for grant of bail to the petitioner,
who is in custody in connection with Turkauliya (Banjariya) P.S.
Case No.657 of 2023, G.R. Case No.3539 of 2023 registered for
the offence punishable under Sections 409, 420 and 406 of the
Indian Penal Code.

3. Based on the written report the prosecution alleges
that pursuant to the letter No.2024 dated 05.06.2023 issued
under the signature of District Magistrate, East Champaran,
Motihari as well as letter No.157 dated 27.05.2023 by the
Executive Officer-cum-Block Panchayat Raj Officer, Banjariya,
the FIR has been instituted narrating the fact that the petitioner
who happens to be Ex-ward Member of Ward No.12, was
allotted to construct Street and Drainage under the Scheme



No.02/2018-19 and Scheme No.08/2018-19, for which he has withdrawn Rs.6,00,000/- and Rs.1,10,600/- respectively, but he has done only the construction work of Rs.1,18,400/-. In the aforesaid premise it is alleged that the petitioner is intended to misappropriate an embezzle government money to the tune of Rs.5,92,800/-.

4. Drawing the attention of this Court to the narrations made in the FIR, learned Advocate for the petitioner contended at the bar that the allegation is only to the effect that the petitioner is intended to misappropriate, it is not the case of the informant that the government money has been embezzled. Learned Advocate for the petitioner contended that it is the admitted fact that the work under Scheme Nos.02/2018-19 and 08/2018-19 were allotted to the petitioner, however, during the period of construction on account of accident of technical assistant rest work could not be completed within time but the petitioner undertakes before this Court that he is ready and willing to complete the work if he shall be allowed six months time. It is next contended that the petitioner is a man of fair antecedent and now he is in custody since 11.06.2024.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the



work was allotted way back in the year 2018-19 and till date the work has not been completed and as such the intention of the petitioner is obvious, only to misappropriate the money.

6. Regard being had to the submissions made on behalf of learned Advocate for the respective parties and taking note of the undertaking given before this Court coupled with the fair antecedent of the petitioner and the fact that the investigation of the crime is complete, let the petitioner, named above, be released on **bail provisionally** for six months to complete the work in dispute as mentioned in the FIR. After completion of the work when the petitioner would be able to submit the certificate showing the work has been completed, in such circumstances the provisional bail of the petitioner shall be confirmed by the Court below itself. Failure to perform the work, the **provisional bail** granted by this Court shall stand cancelled after six months. Let the petitioner be released on **provisional bail** on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate- 1st Class, Motihari, East Champaran in connection with Turkauliya (Banjariya) P.S. Case No.657 of 2023, G.R. Case No.3539 of 2023, subject to the condition that one of the bailors will be the



close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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