

Arising Out of PS. Case No.-262 Year-2023 Thana- TAJPUR District- Samastipur

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- ... .. Petitioner/s

Versus

## The State of Bihar.

... .. Opposite Party/s

For the Petitioner/s : Mr.Ajay Kumar, Advocate  
For the Opposite Party/s : Mr.Parmeshwar Mehta, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

3      29-02-2024      1. Heard learned counsel appearing on behalf of the  
petitioners and learned Additional Public Prosecutor appearing  
on behalf of the State.

2. The both accused/petitioners are named in F.I.R. and apprehending their arrest in connection with Tajpur P.S. Case No. 262 of 2023, registered for the offences punishable under Sections 406, 409, 420 of the Indian Penal Code.

3. The allegation against both above named petitioners is to defalcate the amount of Rs. 8,31,987/- out of execution work regarding Nal Jal Yojna of Gunai Bashi Panchayat, Ward No. 1 for financial year 2019-2020.

4. Learned counsel appearing on behalf of the



petitioners submitted that the petitioners falsely implicated with present case out of local political differences. It is submitted that admittedly petitioners got executed work of Nal Jal Yojna for the tune of Rs. 4 lacs and remaining amount paid to vendor, namely, M/s Maa Jagdamba Enterprises. It is pointed out as said firm did not execute work, a criminal case was lodged by petitioners. It is also submitted by learned counsel that petitioners are ready to pay 50% of Rs. 8,31,987/- at the time of furnishing of bail bond. While concluding the arguments, it is submitted that petitioners are men of clean antecedents.

5. Learned APP opposes the prayer of bail

6. Considering the aforesaid facts and circumstances, as alleged defalcated amount *prima facie* appears paid to work executing agency namely, M/s Maa Jagdamba Enterprises by petitioners, coupled with the fact, as petitioners are ready to pay Rs. 4,15,993.5/- to government, accordingly, both above named petitioners, in the event of their arrest or surrender before the learned trial Court, within a period of four weeks of the order, are directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. 1<sup>st</sup> Class, Samastipur/concerned Court, where the case is pending in



connection with Tajpur P.S. Case No. 262 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions that:-

(i) The bail bond of petitioners shall be accepted, only upon showing the deposition receipt of Rs. 4,15,993.5/- with government treasury.

(ii) Petitioners shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioners duly supported by the documents.

(i) That the petitioners shall not involve in similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the learned Trial Court itself for the cancellation of bail bond of the petitioners.

**(Chandra Shekhar Jha, J)**

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