

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75127 of 2023

Arising Out of PS. Case No.-225 Year-2022 Thana- CHARPOKHARI District- Bhojpur

SUNIL KUMAR @ SUNIL KUMAR SINGH Son of Shashi Kant Singh @
Manager Singh R/o vill - Chandi, P.S. - Charpokhari, Distt. - Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shail Kumari Devi W/o Bidya Narayan Singh R/o vill - Karnaul, P.S. - Charpokhari, Distt. - Bhojpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sumit Kumar Singh, Advocate

For the Opposite Party/s : Mr. Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 05-03-2024 Heard Mr. Sumit Kumar Singh, learned Counsel for
the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Charpokhari Case No. 225 of 2022 for the offence registered under sections 420, 467, 468, 471, 409, 120(B) and 34 of the Indian Penal Code lodged on 01.12.2022 by the informant, Shail Kumari Devi.

3. As per the prosecution story, the ward member alleged that the petitioner who is the husband of the 'Mukhiya' was allotted work on the recommendation of her 'Mukhiya' wife but took away blank cheque to Rs. 8,50,000/- and got it incashed and as such, misappropriated the amount.

4. Learned Counsel for the petitioner submits that though the FIR has been belatedly lodged, he is ready to satisfy the concerned official, the Executive Engineer, Public Health Engineering Department, Bhojpur Circle, Ara with all the



documents to show that the amount taken has been used for the 'Seven Nischay Yojana'.

5. Though learned APP opposes the prayer but concedes that in case the petitioner is ready to appear before the official and satisfy, the same can be done.

6. Taking into account the aforesaid facts, the petitioner is granted provisional bail for three months with a direction to appear before the Executive Engineer, Public Health Engineering Department, Bhojpur Circle, Ara on 15.03.2023 at 3:00 P.M. whereafter the Executive Engineer will be free to fix a date when the petitioner will provide all the documents to satisfy the said officer. Once, the certificate is granted to him only then the concerned Court shall confirm the provisional bail granted to the petitioner.

7. If he fails to do so, after three months the provisional bail will come to an end.

8. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on provisional bail for three months on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Ara, District-Bhojpur in connection with Charpokhari



P.S. Case No. 225 of 2022 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

9. Cr. Misc. No. 75127 of 2023 stands disposed of.

(Rajiv Roy, J)

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