

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75009 of 2023

Arising Out of PS. Case No.-142 Year-2023 Thana- DURGAWATI District- Kaimur (Bhabua)

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SANJAY NARAYAN SINGH @ SANJAY KUMAR SINGH SON OF LATE
RAMESHWAR PRASAD SINGH THEN PANCHAYAT SECRETARY OF
GRAM PANCHAYAT KHAJURA, RESIDENT OF MOHALLA- SHIVPUR,
PS- BHABUA, DIST- KAIMUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 05-03-2024 Heard Mr. Sumit Kumar Singh, learned counsel for

the petitioner and Mr. Ram Naresh Ray, learned APP for the

State.

2. The petitioner is apprehending his arrest in
connection with Durgavati P.S. Case No. 142 of 2023 for the
offence under Sections 409, 420 and 34 of the I.P.C. lodged on
15.05.2023 by the informant, Ashok Kumar.

3. As per the prosecution story, the District
Magistrate, Kaimur constituted an inquiry on the Gram
Panchayat Yojana and found misappropriation of Government
money by the Mukhiya, Panchayat Secretary as also member
Secretary (petitioner herein), Junior Engineer and ward
members and accordingly, the FIR.



4. Learned counsel for the petitioner at the outset submits that the total amount alleged to have been embezzled is Rs. 21,00,000/- alongwith interest was calculated at Rs. 25,00,000/- by a coordinate Bench while considering the anticipatory bail application of the other co-accused and vide an order dated 15.01.2024, the said Bench gave provisional bail with a condition that all the accused persons jointly will pay Rs. 25,00,000/- in the account of the Block Development officers within a period of six months from 15.01.2024.

5. Learned APP opposes the prayer stating that one of the accused person's anticipatory bail has been rejected on 17.10.2023 in Cr. Misc. No. 43774 of 2023.

6. Learned counsel for the petitioner to this submits that this was pointed out to the coordinate Bench whereafter the order was passed in Cr. Misc. No. 83187 of 2023 and analogous case.

7. Though the FIR has been lodged, the petitioner has to face the trial, for the present all the accused have jointly decided to return Rs. 25,00,000/- to the State Exchequer and in that background, this Court follows the same route and extend him the privilege of provisional bail for the period of four months with the condition that the entire amount of Rs.



25,00,000/- is returned to the State Exchequer jointly as observed in by the coordinate Bench in Cr. Misc. No. 83187 of 2023. It is made clear, that failure to abide by the undertaking given to the coordinate Bench, the provisional bail will come to an end after the lapse of four months. In case, a certificate to this effect is filed before the concerned Court the provisional bail shall be confirmed.

8. Let the petitioner be released on provisional bail of four months in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned SDJM, Mohania, Kaimur in connection with Durgavati P.S. Case No. 142 of 2023 subject to the conditions 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/her 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 appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) 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;

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

9. Cr. Misc. No. 75009 of 2023 stands disposed of.

(Rajiv Roy, J)

Adnan/-

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