

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77606 of 2023

Arising Out of PS. Case No.-341 Year-2023 Thana- MAKHDUMPUR District- Jehanabad

CHAKLESH KUMAR SON OF LATE MAHENDRA SHARMA RESIDENT
OF VILLAGE- MAKHDUMPUR, BUS STAND, PS- MAKHDUMPUR,
DISTT- JEHANABAD BIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prince Kumar Mishra

For the Opposite Party/s : **Mr.Parmeshwar Mehta**

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

3 28-02-2024

Heard learned counsel appearing on behalf

of the parties.

2. The petitioner seeks bail in connection with Makhdumpur P.S. Case No.341 of 2023 registered for the offence under Sections 406, 409, 418 and 426 of the Indian Penal Code.

3. Allegation against the petitioner is to have not completed the assigned work as per measurement, where, Rs. 84,36,274/- was given to the petitioner in several installments and only as per measurement he has done work of Rs. 49,39,408/- only.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is quite innocent and in



fact that no such offence committed as alleged in the FIR, where, petitioner is implicated in this case due to extraneous reason. It is submitted that it appears from paragraph no.47 of the case diary that statement of Praful Prahakar, Junior Engineer, Minor Irrigation Division, Jahanabad has also stated under Section 161 of the Cr.P.C. that most of the work has been completed by the petitioner. It is further submitted that petitioner is a man of clean antecedent and he is in custody since 01.09.2023.

5. Learned APP appearing for the State, opposes the prayer for bail of the petitioner and conceded the fact that most of the work has been completed by the petitioner.

6. Considering the facts and circumstances and submissions made on behalf of the petitioner, let the petitioner, above named, is directed to be released on bail, ***after framing of the charge***, in connection with Makhdumpur P.S. Case No.341 of 2023 on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial-IV, Jehanabad.

7. The trial court is directed to conclude the proceeding of framing of charge according to law within a period of 15 (fifteen) days from the date of receipt of a copy of



this order. However, it is made clear that *if the charge-sheet has not been submitted* then the above named petitioner shall be released on bail on furnishing bail bond with further condition that the petitioner have to present physically on each and every date before the Trial Court till conclusion of the proceeding of framing of charge.

(Ramesh Chand Malviya, J)

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