

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.81179 of 2023**

Arising Out of PS. Case No.-240 Year-2023 Thana- PHULPARAS District- Madhubani

1. Ram Naresh Ray @ Naresh Ray Son Of Laxshmi Ray Resident Of Village - Belha, Police Station - Phulparas, District - Madhubani, Bihar, Presently Ward Secretary Of Ward No.9, Under Gram Panchayat Raj Brahmpur South, Under Block - Ghoghardiha, District - Madhubani
2. Bucchi Devi Wife Of Chalitra Ray Resident Of Village - Belha, Police Station - Phulparas, District - Madhubani, Bihar, Presently Ward Chairman Of Ward No.9, Under Gram Panchayat Raj Brahmpur South, Under Block - Ghoghardiha, District - Madhubani

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

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

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      10-01-2024      Heard Mr. Jitendra Kumar Bharti, learned counsel  
for the petitioners as well as Mr. Parmeshwar Mehta, learned  
Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Phulparas P.S. Case No. 240 of 2023, F.I.R. dated 01.05.2023 for the offences punishable under Sections 420, 406 and 120(B) of the Indian Penal Code.

3. According to prosecution case, the petitioners have received Rs. 12 lakhs as advance but the measurement report reflects that only up to Rs. 9,16,948/- work has been completed and the rest amount has been misappropriated by the petitioners.



4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that as per the allegation in the F.I.R, altogether Rs. 12 lakh has been taken by the petitioners as advance to complete the work in question in Ward No. 9 and as per the measurement report that the petitioners have completed only work up to the tune of Rs. 9,16,949/- and according to the allegation in the F.I.R is that the petitioner no. 1 is the Secretary and petitioner no. 2 is the Chairman of the Ward No. 9 and they have defalcated the amount of Rs. 2,83,052/-. He further submits that the petitioners have already deposited the defalcated amount of Rs. 2,83,052/- on 15.07.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-II, Jhanjharpur,



District- Madhubani in connection with Phulparas P.S. Case No. 240 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Learned court below is directed to verify the genuineness of the fact that whether the petitioners have deposited Rs. 2,83,052/- or not and if the Court finds that the petitioners have deposited the said amount then the bail bond of the petitioners shall be accepted by the Court below.

ii. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

iii. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iv. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the



acceptance of bail bonds in terms of the above-mentioned order  
shall not be delayed for purpose of or in the name of  
verification.

(Rajesh Kumar Verma, J)

Vanisha/-

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