

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 85110 of 2023**

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

1. SANJHARI DEVI WIFE OF RAM MURAT CHAUDHARY R/O VILLAGE- SARAYA, P.S.- DURGAWATI, DISTRICT- KAIMUR (BHABUA)
2. RAM RATAN SINGH @ RAM RATAN YADAV SON OF LATE SHYAMA SINGH @ LATE SHYAMA SINGH YADAV R/O VILLAGE- SARAYA, P.S.- DURGAWATI, DISTRICT- KAIMUR (BHABUA)

... .. Petitioner/s

Versus

1. The State of Bihar
2. BLOCK SUPPLY DEVELOPMENT OFFICER, DURGAVATI, P.S.- DURGAVATI, DIST.- KAIMUR (BHABHUA) BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Sumit Kumar Singh, Advocate
For the Opposite Party/s : Mr Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR JUSTICE RAJIV ROY

ORAL ORDER

4 26-04-2024 Heard Mr Sumit Kumar Singh, learned counsel for the petitioners and the learned APP for the State.

2 The petitioners are apprehending their arrest in connection with Durgavati PS Case No 142 of 2023 for the offence punishable under Sections 409, 420/34 of the IPC 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, Junior



Engineer, Ward Member (petitioner No 1 herein) and Ward Secretary (petitioner No 2 herein).

4 Learned counsel for the petitioners at the outset submits that the total amount alleged to have been embezzled is Rs 21,00,000/- along with 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 Officer 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 Msic No 43774 of 2023.

6 To this, learned counsel for the petitioners 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 Learned counsel for the petitioners submits that this Court has passed an order in the case of Sanjay Narayan Singh @ Sanjay Kumar Singh in Cr Misc No 75009 of 2023 granting 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 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 aforesaid order be kept on record.

9 Let the petitioners above named be released on bail, on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Sub Divisional Judicial Magistrate, Mohania, Kaimur in connection with Durgavati PS Case No 142 of 2023 as also the following conditions:

(i) One of the bailors should be the family member of the petitioners who shall provide official document to show his/her bona fide;

(ii) The petitioners 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 their bail bond by the trial Court itself.

(iii) The petitioners shall appear before the concerned Police Station every



fortnight for next six months to mark his attendance.

(iii) The petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, 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.

10 With the aforesaid observations, this anticipatory bail application is allowed.

(Rajiv Roy, J)

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