

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12044 of 2025

Arising Out of PS. Case No.-73 Year-2023 Thana- GHOGHARDIHA District- Madhubani

Devendra Yadav Son of Mohan Yadav Resident of Village- Chikna, P.S.- Ghoghardiha, District- Madhubani, presently Ward Secretary of Ward No.-9, under Gram Panchayat Raj Chikana, 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
	:	Ms. Akansha Verma, Advocate
For the Opposite Party/s	:	Mr.Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 09-05-2025 Heard Ms. Akansha Verma, learned counsel for the petitioner and Mr.Parmeshwar Mehta, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Ghoghardiha P.S. Case No.73 of 2023, dated 03.05.2023 registered for the offences punishable under Sections 409,420/34 of IPC.

3. As per prosecution case, FIR has been lodged against 20 named accused persons including the petitioner against whom there is an allegation of defalcation of the Government money.

4. Learned counsel appearing for the petitioner



submits that the petitioner has clean antecedent. He has falsely been implicated in the present case on the basis that the petitioner is the Secretary of the Ward in question. As per allegation in the FIR, the Ward has been allotted Rs.16,01,000/- (Sixteen Lacs One Thousand) for completion of work in question and the petitioner and co-accused, namely, Inar Devi, who happens to be the Chairman of the Ward, have taken advance amount of Rs. 15,00,000/- (Fifteen Lacs) and as per measurement book, they have completed only work to a tune of Rs. 10,09,222/- (Ten Lacs Nine Thousand Two Hundred Twenty Two) and they have defalcated the Govt. money to a tune of Rs.4,90,778/- (Four Lacs Ninety Thousand Seven Hundred Seventy Eight). Learned counsel for the petitioner submits that the allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. In fact the petitioner and co-accused persons have completed the work in question and in view of the letter issued by the Panchayat Secretary which was issued on the basis of measurement book which suggests that the petitioner has completed the work in question to a tune of Rs.15,00,000/- (Fifteen Lacs) with the co-accused person, namely, Inar Devi and said co-accused, namely, Inar Devi has been granted



privilege of anticipatory bail by this Court vide order dated 09.08.2024 passed in Cr. Misc. No.22593 of 2024.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts, petitioner has clean antecedent and as per letter of the Panchayat Secretary which suggests that the petitioner has completed the work in question and apart from that, co-accused, namely, Inar Devi has been granted privilege of anticipatory bail by this Court, let the petitioner, above named, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Jhanjharpur, Madhubani in connection with Ghoghardiha P.S. Case No.73 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of BNSS, 2023 and with other following conditions:-

(I) Petitioner 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 his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his/her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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)

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