

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11666 of 2025

Arising Out of PS. Case No.-208 Year-2022 Thana- KUDHNI District- Muzaffarpur

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Awdesh Kumar Singh @ Awdesh Kumar Sing S/o Late Anand Kishor Singh
R/o vill - Tengrari, P.s.- Shivaipatti, Distt.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Ms. Meena Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 19-06-2025 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The petitioner seeks bail in a case registered for
the offences under Sections 409, 420, 467, 468 and 471 of
the Indian Penal Code.

3. As per the prosecution case, the B.D.O. gave a
written report to the Officer Incharge stating therein that
Awdhesh Kumar Singh (petitioner) was the then Panchayat
Secretary at Block Office, Kudhani and he had realized
some amount under the 13th Finance Commission bearing
scheme no. 07/13-14 (Aganbari) totalling Rs. 13,25,000/-
and has defalcated the said amount and not produced the
measurement book and has not completed the work allotted



to him.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. Learned counsel further submits that the present case has been lodged by the B.D.O. out of personal grudge against the petitioner, as the scheme was of 2013-14 and the present case has been lodged in the year 2022. Learned counsel further submits that the amount which has been released in favour of the petitioner was on account of the work done which can be ascertained from the orders of the B.D.O. which has come during the course of investigation. Learned counsel further submits that the he is ready to undertake that if any amount is found to be recoverable from his end, the same shall be returned after the completion of the work and after the measurement book verification by the Junior Engineer. Learned counsel next submits that the petitioner has clean antecedent and is in custody since 23.08.2024 and unless he is released, he would not be able to submit the details of the work done. From the report, it is evident that the investigation has also not been done with respect to the work which has already



been done. Learned counsel for the petitioner thus submits that the petitioner be released on bail and he shall help in assessing the exact amount which was spent on the said scheme and once the amount is settled, if any amount is found to be recoverable, the petitioner shall be liable to pay the same.

5. Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner has defalcated public money and should not be enlarged on bail.

6. Considering the aforesaid facts and circumstances of the case and taking into account that the allegation of misappropriation of funds can only be settled once the entire scheme is taken into account and the total work done is verified, and the amount spent is accounted for. In view of the same, let the petitioner above-named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Kudhani P.S. Case No. 208/2022 subject to the conditions :-



- a. One of the bailors of the petitioner shall be his close relative.
- b. The petitioner shall remain physically present in Court on each date of the trial.
- c. In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.
- d. 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 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 afore-mentioned order shall not be delayed for purpose of or in the name of verification.
- e. The petitioner shall assist the respective authority in ascertaining the amount spent under the aforementioned scheme and the



work done with regard to the said scheme.

f. The petitioner shall further deposit any amount found to be recoverable from him, after the adjustment of the amount.

7. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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