

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25844 of 2024

Arising Out of PS. Case No.-200 Year-2023 Thana- KUMAR KHAND District- Madhepura

Nirmal Ram S/o Late Prakash Ram R/o Patuaha Ward No. 3, P.O.- Patuaha,
P.S.- Saharsa Sadar, District- Saharsa, Bihar-85201

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar Pandey, Adv

For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

5 07-05-2025 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Kumarkhand P.S. Case No. 200 of 2023, for offences under Sections 409 and 420 of the Indian Penal Code.

3. At the outset, it is submitted by learned counsel for the petitioner that *vide* order dated 03.09.2024 by which the petitioner was granted privilege of provisional bail, the Court had directed the petitioner to file an affidavit bringing on record the up-to-date status of the case.

4. It is submitted that pursuant to the said direction, the petitioner has submitted a representation before the District Magistrate on 05.10.2024 concerning his joining in compliance



with the order dated 04.01.2024 passed by the Divisional Commissioner, Koshi Division, Saharsa. However, no information or notice regarding the current status of the appeal has been furnished by the Authority concerned.

5. Taking into account the fact that the departmental proceeding is still pending and a certificate case has already been instituted against the petitioner for the recovery of the said amount and in order to assist the department in assessing the actual amount defalcated by the petitioner and others, if any, provisional bail granted to the petitioner vide order dated 03.09.2024 in connection with Kumarkhand P.S. Case No. 200 of 2023 pending in the Court of J.M.- 1st Madhepura, is hereby confirmed.

6. The petitioner is directed to appear before the authority and assist in conclusion of the departmental proceeding and the amount which is ultimately assessed in the proceeding shall be deposited by the petitioner with immediate effect. The petitioner is also directed to participate in the proceeding of the certificate case and shall not evade during the pendency of both the departmental proceeding as well as the certificate case, with the conditions:-

(i) If the petitioner is not appeared in the departmental



proceeding as also in the certificate case, the prosecution will be at liberty to move for cancellation of the bail of the petitioner

(ii) if the amount assessed in the departmental proceeding is not paid by the petitioner, the bail granted to the petitioner will be cancelled.

(iii) The petitioner will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iv) 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.

(Sourendra Pandey, J)

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