

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 17763 of 2025

Arising Out of PS. Case No.-82 Year-2023 Thana- SIKARHATTA District- Bhojpur

Laxmi Narayan Singh @ Sri Laxmi Narayan S/O Late Mahendra Singh R/O
Vill.- Chanda, P.S.- Sikarhatta, Dist.- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Kumar

For the Opposite Party/s : Mr.Mohammad Sufyan

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 14-05-2025 Heard the parties.

2. The petitioner apprehends his arrest in connection with Sikarhatta P.S. Case No. 82 of 2023, registered for the offences punishable under Sections 406, 420 120B of the Indian Penal Code.

3. Based upon the written report, the prosecution alleges that the petitioner, who happens to be the Chairman of Ward Execution and Management Council, ward No. 7 of Panchayat Dev, in collusion with other accused persons got executed the work only to the tune of Rs.6,00,000/- but has withdrawn Rs. 10,00,000/- of the sanctioned amount of Rs.15,04,300/- for Yojana No. 07B. It is further alleged that after proper calculation and measurement of the work under two “Yojana” Rs.2,80,050/- is found recoverable from the petitioner.

4. Learned Advocate for the petitioner contended that the case of the prosecution is based upon a wrongful fact



inasmuch as, the measurement book relating to Dev Panchayat of Ward No. 07 clearly suggests that the work to the tune of Rs.9,17,500/- was done, but the same has wrongly been recorded as Rs.6,00,000/- and hence the petitioner is not at all liable to pay the alleged recoverable amount to the tune of Rs.2,80,050/-. It is further contended that this is a case where re calculation is required to be done based upon the earlier measurement book and no criminal liability ought to be fastened against the petitioner. The petitioner is a man of fair antecedent and he undertakes that he will fully cooperate in the proceeding of the court.

5. On the other hand, learned Advocate for the State vehemently opposes the bail application and submits that the measurement book is of the year 2019 whereas the inspection was conducted in the year 2022 and letter which is part of the FIR clearly suggests that Rs.2,80,050/- is found to be recoverable from the petitioner.

6. At this juncture, learned Advocate for the petitioner contended that in order to show the bona fide, petitioner is ready to deposit 25% of the alleged misappropriated amount subject to the final outcome of the trial.

7. Considering the submissions advanced by the



learned Advocates for the parties and taking note of the inspection report as well as the measurement book, this Court deems it fit and proper to allow the application of the petitioner. Let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM 4th, Bhojpur, Ara in connection with Sikarhatta P.S. Case No. 82 of 2023, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 with further conditions:

(i) that the petitioner shall deposit 25% of the alleged recoverable amount before the concerned Block Development Officer and receipt thereof shall produce at the time of furnishing bail bonds.

(ii) the afore noted deposited amount shall be abide by the final order of the trial Court.

(iii) that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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