

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27392 of 2025

Arising Out of PS. Case No.-102 Year-2021 Thana- PHULWARIA District- Begusarai

Mukesh Kumar S/o Naresh Mahto @ Naresh Mehto @ Baua Mahto R/o
Village- Rahatpur, (Bariyarpur), P.S.- Sahebpur Kamal, District- Begusarai
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 06-08-2025 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Fulwariya (Phulwaria) P.S. Case No. 102 of 2021 for the offence
punishable under Section 409/34 of the Indian Penal Code.

3. As per the allegation made in the F.I.R., the
petitioner along with other co-accused are allegedly said to have
misappropriated the government money amounting to Rs. 10
lacs which was allocated for execution of work under Nal Jal
Yojna. The cheques amounting to Rs. 10 lacs were issued in
favour of one Binod Kumar, owner of Subham Agro Tech
Agency and the petitioner is said to be his associate.

4. Learned counsel appearing on behalf of the
petitioner submitted that the petitioner is innocent and he has
falsely been implicated in this case. He further submitted that he



has made specific statement in Para-10 of the bail application that the two chques amounting to Rs. 10 lacs were issued in favour of one Binod Kumar, owner of Subham Agro Tech Agency and not in the name of the petitioner. Petitioner is not the beneficiary of the said fund. Petitioner is in custody since 22.01.2025.

5. Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner and submitted that the petitioner is the associate of said Binod Kumar and his complicity cannot be ruled out.

6. Having considered the rival submissions made on behalf of the parties, as well as, having perused the allegation made in the F.I.R. and material which has surfaced in course of the investigation, it appears that the cheques amounting to Rs. 10 lacs were issued in the name of the co-accused Binod Kumar against whom specific allegation is that he has misappropriated the government money by not executing the work under Nal Jal Yojna, I find that the petitioner has, prima facie, made out a case to be released on bail.

7. The petitioner, above named, is directed to 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 Judicial Magistrate, 1st Class, Begusarai in connection with Fulwariya (Phulwaria) P.S. Case



No. 102 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(5) The District Court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in Para-3 of the bail petition, this order will automatically lose its force.

8. The bail application stands disposed of.

(Purnendu Singh, J)

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