

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61633 of 2024

Arising Out of PS. Case No.-378 Year-2023 Thana- KAUWAKOL District- Nawada

Rajkumar Raju @ Raj Kumar Yadav S/o Ramvriksh Yadav VILLAGE
-Bhandari, POLICE STATION - Kawakol, DISTRICT - Nawada

... .. Petitioner/s

Versus

1. The State of Bihar
2. Arun Kumar Panchyat Secretary, Gram Panchayat, Chhabail, P.S-
Kawakole, Dist.- Nawada

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Deepak Kumar, Adv.

For the Opposite Party/s : Mr.Parmeshwar Mehta, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

5 29-01-2025 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Kawakol P.S. Case No. 378 of 2023 instituted for the offences
under Sections 409, 420/34 of the Indian Penal Code.

3. As per prosecution case, the accusation against the
petitioner is of embezzlement of more than rupees 16 lacs of
public money. It is alleged that as per measurement book
submitted by the technical expert, Kawakol, work on the spot
has been done for an amount of Rs. 7,27,428/- and remaining
work of balance amount of Rs. 16,04,572/- has not been
completed despite various letters to the accused persons.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. Learned counsel for the petitioner further submits that the work is almost complete and only installation of water tanks remained and that too has been done after institution of present case. Learned counsel for the petitioner submits that though there is some delay in completing the assigned job but, now the work has been completed and further undertakes that whatsoever deficiency is there, the same will be completed by him if released on bail. The petitioner has one criminal antecedent in which he is on bail and is languishing in judicial custody since 03.04.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the present is related to embezzlement of public fund of more than Rs. 16 lacs and, hence, he does not deserve bail.

6. Learned counsel for the O.P. No.2 has filed counter affidavit, paragraph no.5 being relevant, reads as follows:-

*“5. That in the light of direction by the
Hon’ble Court the deponent on 23.01.2025 at 9.35
A.M inspected both schemes i.e. Yojna no.*



01/2017-2018 and Yojna no. 2/2019-2020 the spotted on my physical verification, it is being found to be completed and water is flowing.”

7. In compliance to the earlier order of this Court regarding present stage of trial, the learned court below has sent status report, stating therein that charge-sheet has been submitted, cognizance has been taken and the charge has also been framed on 20.09.2024. No witness has been examined as yet.

8. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case, the period of custody of the petitioner, the undertaking given by the petitioner as also the counter affidavit filed on behalf of the O.P. No.2, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Kawakol P.S. Case No. 378 of 2023, subject to the following conditions;

(i) The petitioner shall submit an undertaking before the court below at the time of filing bail bonds, stating therein that whatsoever there be the deficiency in the work, the same shall be completed by him at the earliest.



(ii) One of the bailor(s) shall be the own/close family members of the petitioner.

(iii) The petitioner shall cooperate 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(iv) If the petitioner tampers with the evidence or the witnesses of the case by intimidating/pressurizing the witnesses, during the investigation or trial, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(v) In case of non-compliance of any of the conditions mentioned herein above, the court below will be at liberty to cancel the bail bond of the petitioner.

(Rudra Prakash Mishra, J)

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