

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63836 of 2025

Arising Out of PS. Case No.-102 Year-2017 Thana- MOTIPUR District- Muzaffarpur

Sunil Kumar Pandey S/O Late Lakshmi Kant Pandey @ Laxmikant Pandey
R/O Village- Patahi Roop, P.S.- Sadar, District- Muzaffarpur

... .. Petitioner

Versus

The State of Bihar Patna

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh, Advocate

For the Opposite Party/s : Mr.Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 04-12-2025 Heard learned counsel appearing on behalf of the

petitioner and learned A.P.P. for the State.

2. The accused/petitioner seeks bail in connection
with Motipur P.S. Case No. 102 of 2017 registered for the
offences under Sections 409, 420 of the Indian Penal Code.

3. The accused/petitioner is named in the First
Information Report and is in custody since 26.05.2025.

4. As per FIR, allegation against petitioner is to
defalcate the government money of Rs. 27,02,557/- out of
allotted money of Rs. 1,49,40,257/- being “Panchayat
Sachiv”.

5. It is submitted by learned counsel appearing on
behalf of the petitioner that voucher for entire work was



deposited by this petitioner i.e. for Rs. 1,49,40,257/- but as certain confusion developed at Block level, therefore, same was adjusted only against cash of Rs. 1,22,37,700/- making amount unaccounted for Rs. 27,02,557/-, for which this petitioner was implicated with allegation of defalcation.

6. It is submitted that it is a case of mismatching of account and not the case of defalcation. It is also submitted that certificate proceeding for recovery of aforesaid amount of Rs. 27,02,557/- is also in progress through Certificate Case No. 3752/2021-22, pending before the Certificate Officer, Muzaffarpur.

7. While concluding argument, it is submitted that petitioner found involved in two more criminal cases, where he is on bail and, moreover, investigation of this case is already concluded, for which charge-sheet has been submitted and as such, there is no chance of tampering with the evidence.

8. Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

9. In view of aforesaid factual submission and by



taking note of the fact as *prima facie* in view of claim of petitioner, the matter appears related with mismatching of account for which recovery proceeding is also under progress, coupled with the fact that investigation of this case is already completed, where petitioner remains in custody since 26.05.2025, accordingly, above-named petitioner is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate - 1st Class, Court No. 8, West Muzaffarpur/concerned court, in connection with Motipur P.S. Case No. 102 of 2017, subject to the condition as laid down under Section 437(3) Cr.P.C/Section 480(3) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

Rajeev/-

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