

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47049 of 2023

Arising Out of PS. Case No.-36 Year-2023 Thana- ITARHI District- Buxar

Khurshid Mansoori @ Khursheed Mansuree, S/o Late Kallu Miyan, R/o Ward No.-05, Kalyanpur, P.S- Itarhi, Distt.- Buxar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Vinay Ranjan, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh No.1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 27-01-2026 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The accused/petitioner is named in the FIR and apprehending his arrest in connection with Itarhi P.S. Case No.36 of 2023 registered under Sections 409 and 420 of the Indian Penal Code.

3. As per FIR, the petitioner alleged to defalcate the amount of Rs.5,89,342/- out of Rs.12 lakhs received for "**Jal Nal Yojna**" in capacity of Ward Secretary.

4. It is submitted by learned counsel appearing for petitioner that petitioner was not the only signatory of the cheque rather same was issued under the joint signature of co-accused Salma Bibi, ward member. In this context, it is



further submitted that the initial payment made to contractor for bore-well, which was for Rs.2 lakhs and same was not taken into consideration in measurement book for that reason, the allegation has been raised against this petitioner. Learned counsel pointed out the letter of Block Development Officer, Itarhi bearing No.333 dated 20.02.2023, column No.2 suggesting that the entire payment was made to different contractors, who were working under the project. It is submitted that considering the aforesaid aspect, co-accused Salma Bibi has been granted regular bail by learned co-ordinate Bench of this Court through Cr. Misc. No.6479 of 2024 dated 16.04.2024.

5. Arguing further, it is submitted that a recovery proceeding under Certificate case is also pending against this petitioner before the District Magistrate, Buxar. Petitioner claimed clean antecedent.

6. Learned APP opposed the prayer of bail.

7. In view of aforesaid factual submissions and by taking note of fact as the allegation raised *prima facie* in the background of measurement issues, where report of Block



Development Officer, as discussed aforesaid *prima facie* suggest that Rs.12 lakhs was paid to different contractors, accordingly, the petitioner, above-named, in the event of his arrest or surrender in the court below within a period of four weeks from today, is directed to be released 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 Chief Judicial Magistrate, Buxar in connection with Itarhi P.S. Case No.36 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure (in short ‘CrPC’)/under Section 482(2) of the Bhartiya Nagrik Suraksha Sanhita, 2023 (in short ‘BNSS’).

(Chandra Shekhar Jha, J.)

Sanjeet/-

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