

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52592 of 2025

Arising Out of PS. Case No.-239 Year-2023 Thana- PHULPARAS District- Madhubani

Komal Kumar @ Komal Kumar Ray @ Kumar @ Kunal Ray S/o- Sanjeet
Ray Village- Sugapatti Ps- Phulparas Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Udeshya Kumar Yadav, Adv.

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 17-01-2026 Heard Mr. Udeshya Kumar Yadav, learned Counsel
for the petitioner and Mr. Bharat Bhushan, learned APP for the
State.

2. The petitioner apprehends his arrest in connection
with Phulparas P.S. Case No. 239 of 2023 for the offence
registered under sections 420, 406, 120(B) of the IPC lodged on
01.05.2023.

3. As per the prosecution story, the informant alleged
that different schemes were allotted to the Gram Panchayat,
Sugapatti but later, they came to know that the amount to the
tune of Rs. 13,65,900/- have been misappropriated by the
accused which included the petitioner herein. This led to the
FIR.

4. Learned Counsel for the petitioner submits that at



time, measurement was not done which led to the said figure. Later, on 19.11.2024, the Block Development Officer, Phulparas in a letter addressed to the Deputy Development Commissioner-cum-Certificate Officer, Madhubani informed that out of Rs. 13,65,900/-, as per the measurement, worth Rs. 13,53,764/- has been done and after some more deduction, the amount that needs to be deposited is only Rs. 9736/- which has already come in the corpus of the State Government through the person concerned. Accordingly, the request was made for concluding the Certificate Case No. 61/2022-23 (Annexure-3 to the petition).

5. Learned counsel for the petitioner further submits that the said Annexure would show that payment has been made but if still the State Government comes to the conclusion that some money has been left out, he is ready to return the same. The last submission is that the petitioner do not have criminal antecedent.

6. Learned APP, Mr. Bharat Bhushan, on the other hand, opposes the prayer for anticipatory bail submitting that as per the FIR, the misappropriation took place. However, he concede that the BDO, Phulparas has later issued the aforesaid letter.



7. Considering the submissions of the parties and the undertaking given by the petitioner that if still some money is left, the same shall be paid, the BDO, Phulparas has made request for conclusion of the Certificate proceeding, as recorded above, this petitioner do not have criminal antecedent, in that background, this Court is inclined to grant him the anticipatory bail with conditions.

8. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-II, Jhanjharpur, Madhubani in connection with Phulparas P.S. Case No. 239 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioner, who shall provide official document (Aadhar Card, PAN Card, Driving License, Voter ID) to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail



bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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