IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78412 of 2026

CNR No. BRHC011122842026

Arising Out of PS. Case No.-124 Year-2026 Thana- THAKURGANJ District- Kishanganj

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Kundan Kumar S/O Upendra Yadav R/O Village- Tamot Parsa, P.O- Murliganj, P.S- Murliganj, District- Madhepura, At present Postedas Junior Engineer, Nagar Thakurganj, P.S.- Tahkurganj, Dsitt.- Kishanganj.

... ... Petitioner/s

Versus

The State of Bihar Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Bhaskar Sandilya, Advocate
For the Opposite Party/s : Mr. Amitesh Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 25-11-2026 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Thakurganj P.S. Case No. 124 of 2026 for the offence under sections 316(5), 318(4), 336(3) and 3(5) of the Bharatiya Nyaya Sanhita lodged on 18.04.2026 by the informant, Md. Irfan Alam.

3. As per the prosecution story, the informant alleged that by vide Scheme No. 51 of 2025-26, Rs. 4,08,486/- was allotted but without the work being undertaken, the petitioner withdrew Rs. 4,04,425/- which followed the FIR by the

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Executive Officer, Nagar Panchayat Thakurganj.

4. Learned counsel for the petitioner submits that he, being a responsible Officer, never wanted to usurp the amount and the work was being undertaken, but in a haste the FIR was lodged. He does not have criminal antecedent and the last submission is that he returned Rs. 4,04,425/- which has been acknowledged by the Executive Officer, Nagar Panchayat Thakurganj, in his letter dated 18.05.2026 addressed to the Officer-in-Charge, Thakurganj Police Station.

5. Learned APP opposes the prayer submitting that despite being an Assistant Engineer, he withdrew the amount without the work being undertaken.

6. Taking into account the submissions, though there is allegation against the petitioner and it is unfortunate that he withdrew the amount without the work being undertaken, taking into account the subsequent development that he has returned the amount as acknowledged and has no criminal antecedent, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. It is made clear that this is subject to the confirmation from the Executive Officer, Nagar Panchayat Thakurganj, that the amount stands returned as per his letter

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dated 18.05.2026.

8. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned CJM, Kishanganj in connection with Thakurganj P.S. Case No. 124 of 2026 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document (Aadhaar Card/Voter ID Card/Pan Card/Driving License) to show his/her 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 be appearing before the Police Station as and when required for cooperating in the investigation;

(iv) 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

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cancellation of the bail bonds;

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

(Rajiv Roy, J)

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