

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28212 of 2015

Arising Out of PS.Case No. -293 Year- 2014 Thana -ISLAMPUR District- NALANDA
(BIHARSHARIFF)

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1. Shyam Babu Kevat S/o- Bacchu Kevat, resident of- Merhi, P.S.-
Islampur, District- Nalanda

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Binod Kumar -Ii(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 01-12-2015 Heard the learned counsel for the petitioner as well as
the learned A.P.P.

The petitioner seeks bail in a case for the offences
punishable under sections 406 and 420 of the I.P.C

Allegedly, the petitioner being one of the member of
the executive committee of PACS of Chandhari Panchayat along
with other co-accused made defalcation of the amount of Rs.
13,92,829=20 paise by making fake purchase of the paddy and
issuing cheques against them.

Submission is of false implication due to mistake of
fact. The petitioner has not signed the cheque. The Chairman of
the PACS used to sign the cheque. The petitioner is suffering in



custody since 31.01.2015. Charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence. The petitioner is an illiterate person and he has been made victim of the circumstances. During investigation also nothing has come against him and as such he deserves sympathetic consideration. Other co-accused, namely, Harinandan Rajak has been allowed bail vide Cr. Misc. No. 22070 of 2015 by order dated 14.07.2015 after deposit of Rs. 35,000/- in the court below and the petitioner is also ready to deposit the amount of Rs. 35,000/- in the court below which shall be subject to final disposal of the case.

The learned A.P.P. opposes prayer for bail.

In the facts and circumstances as stated above, it is directed that the petitioner shall deposit the amount of Rs. 35,000/- in the court below which shall be subject to final disposal of the case and thereafter the petitioner shall be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of S.D.J.M. Hilsa, Nalanda in Islampur P.S. Case No. 293 of 2014, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain

present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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