

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17315 of 2015

Arising Out of PS.Case No. -2081 Year- 2013 Thana -DARBHANGA COMPLAINT CASE
District- DARBHANGA

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1. Rakesh Kumar Singh son of Rajendra Kumar Singh, R/o Village- Majra, P.S.- Jale, District- Darbhanga
 2. Bijay Kumar Singh son of Ram Parichan Singh, R/o Village- Manma, P.S.- Jale, District- Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar
2. Khairon Khatoon W/o Md. Akhtar, R/o Vill. Ghoghraha, P.S.- Jale, Dist- Darbhanga

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha
For the Opposite Party/s : Mr. Duresh Nandan (App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 25-06-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioners for offence under Section 406, 409, 467, 468, 420, 120B/34 of the Indian Penal Code, this Court, keeping in view that the allegation of so-called misappropriation of Rs. 1,70,000/- out of total loan sanctioned to the N.G.O. headed by the informant to the tune of Rs.2,50,000/- cannot be directly attributed to the petitioners as is apparent from reading of the report of the Bank Officer giving full details of such transaction as also keeping in view that the petitioners have also got no criminal antecedent, would hereby direct the petitioners, namely, Rakesh Kumar Singh



and Bijay Kumar Singh to surrender before the court below within a period of four weeks from today and, if they do so, they will be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Sri Amit Kumar, Judicial Magistrate, 1st Class, Darbhanga in connection with C.R. No. 2081 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to following conditions:-

- (i) That the court below shall make verification of criminal antecedent of the petitioners and if it is found that they are accused in any other criminal case, they shall not be granted bail and would be taken into custody.
- (ii) That both the bailors will be a close relative of the petitioners, who will undertake an affidavit giving genealogy as to how they are related with the petitioners. The bailors will also undertake to inform the court if there is any change in the address of the petitioners.
- (iii) That the affidavit shall clearly state that the petitioners are not an accused in any other case and if they are, they shall not be released on bail.
- (iv) That the bailors shall also state on affidavit that they will inform the court concerned, if the petitioners are implicated in any

other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.

(v) That the petitioners will be well represented on each and every date in course of trial and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled on this ground alone.

(Mihir Kumar Jha, J)

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