

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18901 of 2015

Arising Out of PS.Case No. -271 Year- 2014 Thana -KOTWALI District- MUNGER

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Sada Nand Singh Son of Late Medni Singh, Resident of Village - Dharhara,
P.S. - Dharhara, District -Munger.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Uma Shankar Sharma

For the Opposite Party/s : Mr. Akhileshwar Dayal (App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 18-06-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation for the offence under sections 420 and 379 of the Indian Penal Code and the allegation that the petitioner had stolen the pass-book furnished by him by way of security to the tune of Rs.2,20,000/- for a work order of construction of road from Durgapur to Gonai Via Babhanchakka Jamua road and Lohchi Paharpur road, this Court having found that the petitioner had not completed the work and as such, he also become liable for forfeiting of the security which could not be recovered on account of the pass-book of the petitioner kept as security, having been stolen by the petitioner, is not inclined to grant privilege of anticipatory bail to the petitioner.

When such an observation has been made learned counsel for the petitioner submits that the petitioner would be prepared to

deposit the sum of Rs.2,20,000/- in the name of the Executive Engineer, Rural Works Department, Works Division, Munger, subject to final result of the trial against the petitioner.

That being so, if the petitioner, Sada Nand Singh, surrenders before the court below within a period of four weeks from today and produces a Bank draft of Rs.2,20,000/- in the name of the Executive Engineer, Rural Works Department, Works Division, Munger, he 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 the Chief Judicial Magistrate, Munger in Kotwali P.S.Case No. 271/2014, subject to the following conditions:

(i) The Bank draft of Rs.2,20,000/- furnished by the petitioner in the name of the Executive Engineer, Rural Works Department, Words Division, Munger shall be made available to the Executive Engineer but the same shall remain subject to the result to the final out come of the criminal trial pending against the petitioner.

(ii) That both the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how they are related with the petitioner. The bailors will also undertake to inform the Court if there is any change in

the address of the petitioner.

(iii) That the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his 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.

(iv) That the petitioner will be well represented on each and every date of trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled on this ground alone.

surendra/-

(Mihir Kumar Jha, J)

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