

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19576 of 2015

Arising Out of PS. Case No. -32 Year- 2015 Thana -RAJAUN District- BANKA

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Parmanand Mandal S/o Jagdev Mandal resident of village- Madhay, P.S.-
Rajaun, District- Banka.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shankar Kumar Thakur

For the Opposite Party/s : Mr. Ram Naresh Roy (APP)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 19-08-2015 Heard learned counsel for the parties as with regard to

the prayer for anticipatory bail of the petitioner who is facing

prosecution for offence under Section 406, 409 & 420 of the

Indian Penal Code.

This Court, considering the nature of allegation of

misappropriation of a sum of Rs. 15,29,487/-, was not inclined to

grant privilege of anticipatory bail to the petitioner but an offer has

been given by the learned counsel for the petitioner that the

petitioner will be ready to deposit the entire amount involved in

the criminal case.

That being so, if the petitioner, namely, Parmanand

Mandal would surrender before the court below within a period of

four weeks from today and makes a payment of Rs. 7.5 lacs, being



almost half of the total amount, he shall be granted provisional bail for a period of six months in which period he must deposit the balance amount of the total amount of Rs. 15,29,487/-. In other words, the petitioner must pay the entire amount in two installments, the first one of which will be of Rs. 7.5 lacs and payable within a period of six weeks.

Such amount paid by the petitioner by way of bank draft shall be handed over to the Collector of Banka district for its being passed on to the concerned authority but, the same shall remain subject to the final outcome of the criminal trial pending against the petitioner.

Subject to the aforementioned condition, this Court would direct the petitioner, namely, Parmanand Mandal to surrender before the court below within a period of four weeks from today and if he does so, 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 Sessions Judge, Banka in connection with Rajaun P.S. Case No. 32 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to following conditions:-

(i) That both the bailors will be a close relative of the petitioner, who will undertake 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.

(ii) That the affidavit shall clearly state that the petitioner is not an accused in any other case and if he is, he shall not be released on bail.

(iii) That the bailors shall also state on affidavit that they 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 in course 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.

(Mihir Kumar Jha, J)

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