

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46960 of 2014

Arising Out COMPLAINT CASE NO. 647 of 2013 District- MUZAFFARPUR

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1. Vijay Shankar Prasad Sinha S/o Late Ramdeo Prasad Sinha Resident of Village Shorna, P.S. Kanti, District Muzaffarpur.
 2. Ajay Kumar S/o Late Satya Narayan Prasad Verma Resident of Village Harpur Lahauri, P.S. Ahiyapur, District Muzaffarpur.

.... Petitioners

Versus

1. The State of Bihar.
2. Akhilesh Kumar S/o Shri Ram Naianjan Thakur Resident of Village Rasalpur, P.S. Karja, District Muzaffarpur. At present residing at Siya Sadan, Farikka Chowk, Rewa Road, P.S. Sadar, District Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rana Pratap Singh, Sr.Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Sharma(App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 23-04-2015 Heard learned counsel for the parties.

The petitioners facing prosecution for offence under section 420 of the Indian Penal Code have a cut out defence that either the informant or his wife were not illiterate that they could not have made out as to whether the admission being taken by the wife of the informant was in a recognized or unrecognized institution. In this regard Mr. Rana Pratap Singh, learned Senior counsel, has explained that the institution in question in which the wife of the informant had taken admission is a recognized institution by the Govt. of Bihar and there are different types of courses being undertaken in the said institution and the wife of the informant having completed his academic session was given

certificate for the course she had taken admission.

Considering all these aspects this Court keeping in view that the petitioners also have no criminal antecedent would direct that if the petitioners, namely, Vijay Shankar Prasad Sinha and Ajay Kumar, would surrender in the court below within a period of four weeks from today, they shall 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 Smt. Maushmi Singh, Judicial Magistrate, 1st Class, Muzaffarpur in Complaint Case No. 647 of 2013 corresponding to Tr.No. 3568 of 2014, subject to the following conditions:

(i) That both the bailors will be a close relative of the petitioners who will give 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.

(ii) That the bailor shall also state on affidavit that he 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.

(iii) That the petitioners will give an undertaking that they will receive the police papers on the given date and be present on the date fixed for charge and if they fail to do so on two given dates and delay the trial in any manner, their bail will be liable to be cancelled for reasons of misuse.

(iv) That the petitioners will be well represented on each and every date 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.

surendra/-

(Mihir Kumar Jha, J)

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