

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49647 of 2014

Arising Out of PS.Case No. -107 Year- 2014 Thana -BHELDI District- SARAN

- =====
1. Vijay Kumar @ Kapil Kumar Son of Ram Babu Singh
 2. Ram Babu Singh, Son of Late Saligram Singh
- Both are resident of Village - Sandalpur, P.S. - Bheldi, District - Saran

.... Petitioner/s

Versus

1. The State of Bihar
2. Ghyanshyam Singh, S/o Late Prabhunath Singh, resident of Village Sandalpur, Post Katsa, P.S. Bheldi, Dist. Saran.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh
For the Opposite Party/s : Ms. Rita Verma (APP)

=====

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

4 23-07-2015 Learned counsel for the petitioners prays for and is allowed to implead the Informant Ghanshyam Singh as opposite party no.2 to this application.

Heard learned counsel for the petitioner and counsel for the State as also counsel for the opposite party no.2.

Having regard to the nature of allegation for offence under Sections 406, 420, 504/34 of the Indian Penal Code and that the documentary evidence till date can make the petitioner no.1, the son of the petitioner no.2, only liable for taking money to the tune of Rs. 95,000/-, inasmuch as, this is the admitted amount which has been deposited in the bank account of the petitioner no.1, this Court, on an undertaking given by the learned counsel



for the petitioners that the aforesaid sum of Rs. 95,000/- shall be refunded back by a bank draft in the name of the opposite party no.2 within a period of three weeks from today, would direct that if the petitioners, namely, Vijay Kumar @ Kapil Kumar and Ram Babu Singh appear before the court below within a period of four weeks from today with an evidence of depositing an amount of Rs. 95,000/- in the bank account of the opposite party no.2, 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 Chief Judicial Magistrate, Saran, Chapra in connection with Bheldi P.S. Case No. 107 of 2014, 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 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.
- (ii) 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.
- (iii) 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.

(iv) 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)

Rishi/-

U		T	
---	--	---	--