

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22437 of 2015

Arising Out of PS.Case No. -37 Year- 2015 Thana -GOVINDGANJ District-
EASTCHAMPARAN(MOTIHARI)

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Rakesh Pandey Son of Late Nageshwar Pandey Resident of village -
Lauriya, P.S. - Govindganj, District - East Champaran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vikramdeo Singh, Adv

For the Opposite Party/s : Mr. U.S.P.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 20-08-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioner for the offences punishable under Sections-419, 420, 423, 406, 409, 467, 468, 471 and 120B of the Indian Penal Code and that in course of investigation the police on the basis of verification has concluded that prima facie it appears that there is interpolation in the payment schedule where the name of the petitioner has been inserted after allegedly removing the name of the informant and as a result whereof the informant stands deprived of getting the insured amount

of Rs. 1,25,404/-, this Court was not inclined to grant the privilege of anticipatory bail to the petitioner.

Mr. Vikramdeo Singh, learned counsel for the petitioner then submits that the petitioner would be prepared to deposit the aforementioned amount of Rs. 1,25,404/-, which must be kept in the custody of the Court below and also be made subject matter of the trial against the petitioner.

That being so if the petitioner namely, **Rakesh Pandey** surrenders within a period of four weeks from today and deposits sum of Rs. 1,25, 404/- in the form of Bank draft before the Court below, 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 **S.D.J.M. Sadar Motihari, East Champaran** in connection with **Govindganj P.S. Case No. 37 of 2015**, subject to the conditions laid down under Section- 438 (2) Cr. P.C and also subject to the following conditions:-



(i) The petitioner shall deposit sum of Rs. 1,25,404/- before the Court below in the form of Bank draft and that amount shall be kept in Fixed Deposit in any nationalized bank or Post Office which would abide by the result of the trial. If the petitioner succeeds in the trial the entire amount shall be paid to 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 give an undertaking that he will receive the police papers on the given date and be present on the date fixed for charge and if he fails to do so on two given dates and delays the trial in any manner, his bail will be liable to be cancelled for reasons of misuse.

(v) 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.

(Mihir Kumar Jha, J)

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