

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13275 of 2015

Arising Out of PS.Case No. -845 Year- 2014 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

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Bijendra Kumar Pandey @ Bijendra Pandey @ Bhuali Son of Shri
Awadhesh Pandey Resident of village - Bhadokhara, P.S. Tilauthu, District
– Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar
2. Ram Swari Devi W/o Late Dev Narayan Pandey R/o village -
Bhadekhara, P.S. Tilauthu, Distt. - Rohtas

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dineshwar Pandey, Adv
For the Opposite Party/s : Mr. Ahmad Ali(App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 09-07-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation against
the petitioner for the offence punishable under Section-
420 of the Indian Penal Code and the admitted position
that the widow-complainant stands deprived of Rs.
3,30,700/- and that such allegation in complaint in
course of inquiry under Section-202 Cr.P.C. has been
found to be prima facie true against the petitioner while
taking cognizance, this case therefore would stand on a
separate footing as against co-accused namely



Awadhesh Pandey inasmuch as the court below had not find any material against him in course of issuing process. Thus for the reasons indicated above this Court is not inclined to grant the privilege of anticipatory bail to the petitioner unless he deposits the amount of Rs. 3,30,700/- in the account of his complainant grandmother.

When such an observation has been made, learned counsel for the petitioner submits that such amount should be directed to be deposited by the petitioner in the court below instead in the bank account of widow-complainant. While this part of the prayer of the learned counsel for the petitioner cannot be accepted because such amount of Rs. 3,30,700/- is the amount of pension of the widow-complainant and therefore, such amount has to be deposited in her account. Nonetheless, the complainant will be bound by the result of the criminal trial and if ultimately the petitioner is acquitted of the charge, the amount of Rs. 3,30,700/- has to be paid back

to the petitioner by the widow-complainant.

That being so, if the petitioner namely, **Bijendra Kumar Pandey**, surrenders within a period of four weeks from today with evidence of depositing a sum of Rs. 3,70,000/- in the bank account of the complainant-Grandmother, namely Ram Swari Devi, he would 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 **J.M. 1st Class, Rohtas** in connection with **Complaint Case No. 845 of 2015**, subject to the conditions laid down under Section- 438 (2) Cr. P.C and also subject to the following conditions:-

(i) That both the bailors will be 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.

(ii) That the bailor 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.

(iii) 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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