

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11197 of 2015

Arising Out of PS.Case No. -81 Year- 2011 Thana -AURANGABAD TOWN District-
AURANGABAD

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Surendra Mishra @ Surendra Kumar Mishra son of Mahesh Mishra resident of Village - Rudrapur, Police Station - Andhra Thandhi, District Madhubani at present residing at Street No. 136K, Hospital Road, Police Station - Uttarpara, District - Hugli (West Bengal).

.... Petitioner/s

Versus

1. The State of Bihar
2. Shiv Prasad Gupta, son of late Surajmal Lal Gupta, resident of Village- Kewani Tola, P.S.- Aurangabad, Distict- Aurangabad.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimal Kumar, Advocate.

For the Opposite Party/s : Mr. Atul Chandra(App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

4 12-08-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under Sections 120B, 406, 420, 467 and 468 of the Indian Penal Code, while this Court was not inclined to grant privilege of anticipatory bail to the petitioner, keeping in view that he has got 12 cases of similar nature pending against him, but then learned counsel for the petitioner has himself come out to say that the petitioner is ready to deposit the amount of Rs. 30,000/- (Thirty thousands) which has been deposited by the complainant on behalf of some of the depositors.

This Court, taking into account that it is not the petitioner alone but some others were also involved in the business transaction, for the time being, without going into the specific role of the petitioner

on his aforesaid undertaking to deposit Rs. 30,000/- only, would direct the petitioner to surrender before the court below within a period of four weeks from today and to pay a sum of Rs. 30,000/- by way of bank draft in the name of Shiv Prasad Gupta/ O.P. No. 2

If he does so, the petitioner, namely, Surendra Mishra @ Surendra Kumar Mishra shall be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad in connection with Aurangabad Town P.S.Case No. 81 of 2011, subject to the following conditions:

- (i) That at the time of surrender, the petitioner must produce a bank draft amounting to Rs. 30,000/- in favour of Shiv Prasad Gupta, O.P. No. 2 , which will be handed over the O.P. No. 2 by the court below which of course shall remain subject to final outcome of the trial pending against the petitioner.
- (ii) That both the bailors will be close family relatives 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.
- (iii) That the affidavit shall clearly state that the petitioner is not accused in any other case and if he

is, he shall not be released on bail.

- (iv) 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 his bail on the ground of misuse.
- (v) 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)

Sujit/-

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