

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49771 of 2015

Arising Out of PS.Case No. -712 Year- 2015 Thana -AHIAPUR District- MUZAFFARPUR

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Sunil Baitha Son of Ram Chandra Rajak R/o Village Shahbajpur, P.S.
Ahiyapur, District Muzaffarpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Karn

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

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 04-11-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under Sections 406, 420, 120(B) of the Indian Penal Code and that a lady, the informant, has been sought to have defrauded by the petitioner by way of Rs. 25,000/- in the transaction with the bank, this Court is not inclined to grant privilege of anticipatory bail considering the pitiable condition in which the lady, informant, was placed in.

In such a situation, learned counsel for the petitioner comes out to offer that the petitioner will pay a sum of Rs. 25,000/- which must be however kept subject to the result of the pending trial against the petitioner.

That being so, if the petitioner, namely, Sunil Baitha



surrender before the court below within a period of four weeks from today and produce a bank draft of Rs. 15,000/- by way of first installment and also a sum of Rs. 10,000/- after one month by way of second installment, he shall be released on bail initially by way of provisional bail for a period of one month and on deposit of Rs. 15,000/- and its confirmation shall be made only after deposit of 10,000/- more by the petitioner on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Muzaffarpur in connection with Ahiyapur P.S. Case No. 712 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to following conditions:-

- (i) At the time of surrender, the petitioner shall deposit a sum of Rs. 15,000/- by way of bank draft payable in the name of the Informant and such bank draft shall be handed over to the informant.
- (ii) On expiry of a period of one month, the petitioner shall deposit the balance amount of Rs. 10,000/- by a bank draft which again shall be handed over to the informant and, on such deposit, the provisional bail of the petitioner shall be confirmed but, then, it is made clear that if the petitioner is honourably acquitted in the trial against him, the amount of Rs. 25,000/- paid by him to the

informant shall be refunded by the informant to the petitioner.

(iii) That both the bailors will be a close relative 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.

(iv) That the affidavit shall clearly state that the petitioner is not an accused in any other case and if he is, he shall not be released on bail.

(v) 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 bail on the ground of misuse.

(vi) 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)

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