

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16544 of 2016

Arising Out of PS.Case No. -70 Year- 2014 Thana -KARPI District- JEHANABAD

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1. Lal Babu Kumar @ Lal Baboo Kumar Son of Chanarik Yadav Resident
of Village- Khalilpura, PS Karpi, District Arwal.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashank Shekhar

For the Opposite Party/s : Mr. Manish Kumar No.2 (App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

5 30-06-2016 Second supplementary affidavit has been filed on

behalf of the petitioner stating therein that earlier the petitioner has

no knowledge about other cases instituted against him. He was not

earlier remanded in Mehandia P.S. Case No. 15 of 2016. So far

Arwal P.S. Case No. 79 of 2014 is concerned the same was lodged

by the petitioner and in the said case signature was to be verified

by the Forensic Science Laboratory and as such earlier the

petitioner has not given statement regarding criminal antecedent.

Let it be kept on the record.

Counter affidavit has also been filed on behalf of the

Informant. Let it be kept on the record.

Heard the learned counsel for the petitioner, the

learned A.P.P for the State as also the learned counsel for the

Informant.

The petitioner seeks bail in a case for the offences punishable under sections 420, 465, 466, 468, 471 and 120 B of the I.P.C

Allegedly, the petitioner being the co-villager of the informant took huge amount from the informant, brother of the informant, brother-in-law of the informant and other persons for providing job in the Military Engineering Services and grabbed their money.

Submission is of false implication and that the prosecution story appears not probable and reliable, the petitioner at the relevant date was posted in Army on Punch Sector on India Pakistan Boarder. The informant is himself a cheater and has taken money from several persons for providing them job and Kamlesh Kumar has instituted Jehanabad P.S. Case No. 228 of 2014 wherein the informant is accused no.4, the petitioner is suffering in custody since 25.01.2016, charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes prayer for bail by submitting that in the Bank Account of the petitioner running with his wife

jointly the amount was deposited and after finding the allegation true charge sheet has been submitted against the petitioner.

In the facts and circumstances as stated above, considering that the investigation is completed and there is no chance of tampering with the prosecution evidence and as such the petitioner is directed to 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, Jehanabad in Karpi P.S. Case No. 70 of 2014, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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