

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47772 of 2015

Arising Out of PS.Case No. -118 Year- 2015 Thana -SIRDALA District- NAWADA

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Birju Pandit son of Ram Kishun Pandit, resident of Village- Tungi, P.S.
Hisua, District Nawada.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Verma, Advocate

For the Opposite Party/s : Mr. U.S.P.Singh, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 29-01-2016

Heard the parties.

The petitioner apprehends his arrest in a criminal prosecution registered under Section 420 of the Indian Penal Code.

The petitioner is the sole named accused in the first information report vide Annexure-1. The petitioner is alleged to have taken advance of Rs.2,00000/- for construction of a school building, but he has not completed the works assigned to him.

Taking into consideration the nature of allegation in the first information report vide Annexure-1, this Court is inclined to accede to the prayer for grant of anticipatory bail made on behalf of the petitioner till submission of chargesheet. It is ordered accordingly.

Let the petitioner Birju Pandit, in the event of his arrest or surrender in the court below within a period of four weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/-(Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the Sri Sabir Kumar, learned Judicial Magistrate, 1st Class, Nawada in connection with

Sirdala P.S.Case No. 118 of 2015, subject to the conditions laid down under Section 438 (2) of the Cr.P.C. and subject to the further conditions that:

(A) in the meantime, the competent authority/authorities shall take measurement of the works done by the petitioner in his presence and if it is found that the petitioner has not completed the works as per agreement and to the extent of advance amount taken by him, then he would complete the works without any further delay or alternatively, he shall deposit the remaining amount in the court below,

(B) one of the bailors must be government servant or close family member of the petitioner who will file an affidavit in the court below showing his/her relationship with the petitioner,

(C) if the petitioner is found involved in same and similar nature of cases in future, then in that case, the informant/prosecution shall be at liberty to file a petition for cancellation of bail of the petitioner, and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving opportunity of hearing to all concerned, and

(D) the petitioner shall make regular pairvi in the court below in the present case either by appearing himself in person or through representation by his lawyer on each and every dates, and if on two consecutive dates petitioner fails to make pairvi, then the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Prasad Verma, J)

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