

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10337 of 2016

Arising Out of PS.Case No. -89 Year- 2015 Thana -GOPALPUR District- GOPALGANJ

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1. Sanjay Rai Son of Nathuni Rai
2. Harihar Nath Rai Son of Late Kapildeo Rai Both residents of village -
Baniya Chhapra, P.S. Gopalpur, District - Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Angad Kunwar, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 18-04-2016 Heard learned counsel for the petitioners, learned

A.P.P. representing the State and also learned counsel for the

informant.

The petitioners seek bail in connection with Gopalpur
P.S. Case No. 89 of 2015 registered for the offences punishable
under Sections 420 and 311 of the Indian Penal Code.

This case has been lodged on the basis of complaint
petition with allegation that the petitioners being employees of
Sapha Gopalpur PACS Rajpur, influenced the complainant-
informant to open account in the bank with assurance to give
interest at the rate of 12 % and also fertilizers and seeds on half
price but the amount of Rs. 39, 306/- remain unpaid and both the

petitioners started evading the matter and remained absconding after locking the bank.

Submission is of false implication and that the amount of informant is still in her account, it is matter of accounting, petitioners have been implicated in similar other case also wherein, both have been allowed bail vide Cri. Misc. No. 7208 of 2016, during investigation, Mahesh Rai the present Chairman of PACS has stated that the petitioner Harihar Nath Rai was earlier Manager and now he has been superannuated and now Sanjay Rai who is doing the work, is also in custody and, as such, the petitioners who are suffering in custody since 15.01.2016 deserve sympathetic consideration to which the learned A.P.P. duly assisted by the learned counsel for the informant opposes by submitting that in para-64 of the case diary it has come that PACS is an independent body, whereas, bank is having its own identity, informant being a poor lady has been cheated and, as such, petitioners do not deserve bail.

In the facts and circumstances stated above, considering the custody of the petitioners and also that chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence and, as such, above named petitioners are directed to be released on bail on execution of bail

bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Gopalganj in connection with Gopalpur P.S. Case No. 89 of 2015 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J)

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