

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60142 of 2017

Arising Out of PS.Case No. -11 Year- 2017 Thana -DEOKUND District- AURANGABAD

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Shanti Bhushan Arya @ Shanti Bhushan Kumar Arya S/o Late Raghuri Rai,
R/o Purandarpur, Keshaw, P.S.- Jakkampur, District- Patna .. Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner : Mr. Jitendra Singh, Senior Advocate and
Mr. Anil Kumar Singh, Advocate

For the Opposite Party : Mr. Sri Aditya Narayan Singh 1,

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 21-12-2017 Heard counsel for the petitioner and the State.

The petitioner prays for grant of regular bail in a case registered for offence under sections 409, 420, 467, 468, 471 and 120B of the IPC.

Senior counsel for the petitioner submits that the petitioner had already been transferred from Aurangabad to Sasaram and had handed over charge pursuant to the said transfer to the informant on 31.8.2016. Even though, the allegations have been made in the FIR alleging that he along with one Prakash Singh issued the cheques in question, the cheques, as per Annexure 5 which is bank statement dated 4.10.2017, produced by the petitioner in this proceedings, shows that the same have been encashed sometime in July, 2017 which is about a year subsequent to the petitioner's transfer from the said place. Said Prakash Singh who is said to have obtained the cheques from the bank has already been allowed anticipatory bail by a coordinate bench of this Court vide order dated 5.12.2017, passed in Cr.Misc.No. 50859 of 2017. Further submission is that from the order dated 9.11.2017, passed in Cr.Misc.No.50875 of 2017 in case of Bipin Bihari Bhola, one of the co-accused of the case, it is evident that Rs.27,24,000/- out



of Rs.33,07,508/- has already been recovered in the account of the District Welfare Officer, Aurangabad by the clearing branch. Thereafter, it is also submitted on behalf of the petitioner that subsequently what ever amount were remaining have also been traced and there is no loss in respect of the allegations made in the FIR.

In the facts of the case, prayer for bail of the petitioner is allowed. Let the petitioner, as mentioned above, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Sri Sidharth Pandey, Judicial Magistrate, Daudnagar, Aurangabad in Deokund Case no. 11 of 2017 on the following conditions:-

(a) One of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with him. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(b) The petitioner will give an undertaking that he will receive the police papers on the given date and be present on date fixed for charge and if he fails to do so on two given dates and delays the trial in any manner, his bail will be liable to be cancelled for reasons of misuse.

(c) The petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

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