

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12632 of 2017

Arising Out of PS.Case No. -401 Year- 2015 Thana -KAJI MOHAMMADPUR District-
MUZAFFARPUR

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1. Alok Kumar Srivastava S/o Late Chandra Shekhar Srivastava resident of
Mohalla - Sherpur Road, Mithanpura Lala, P.S. Bela, District -
Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sumeet Kumar Singh
For the State : Mr. B. N. Pandey, APP
For the Informant : Mr. R. K. Shukla, advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

13 21-02-2018

Heard both sides.

The petitioner seeks bail in Kazi Mohammadpur P.S.
case No. 401 of 2015 registered under Section 419, 420, 406, 467,
468, 471, 323, 504 and 120B of the Indian Penal Code.

Mr. Sumit Singh, the learned counsel for the
petitioner, submits that petitioner is ready to deposit Rs. 35 lac and
is also ready to deposit deeds showing the land standing in his
name with undertaking that he would not sale any property during
the pendency of the case. The petitioner is in jail since 19.10.2016.
The petitioner has already remained in jail for more than one year
and four months in the present case and the trial has not yet been
concluded. The wife of the petitioner is suffering from breast and
cervical cancer. The petitioner has already incurred hefty
expenditure in treatment of his wife, therefore, the petitioner may
be allowed six months time to deposit Rs. 35 lac from the date of



his release.

Mr. R. K. Shukla, the learned counsel for the informant, submits that although more than Rs. one crore of the informant and other investors has been misappropriated by the petitioner but if the petitioner deposits Rs. 35 lac within six months and also deposit the deeds showing land standing in his name with undertaking not to sale those land during the pendency of the case, the informant has got no objection if the petitioner is allowed bail.

Considering the facts aforesaid and the fact that petitioner has already remained in jail for more than one year and four months, the petitioner, above named, is directed to be enlarged on bail on his furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, 1st, Muzaffarpur in connection with Kazi Mohammadpur P.S. case No. 401 of 2015 subject to condition that if the petitioner fails to furnish photo copy of deposit Rs. 35 lac within six months from the date of his release in the form of fixed deposit and the deeds showing the land standing in his name with undertaking not to sale those land during the pendency of the case, the learned court below shall cancel the bail bonds of the petitioner immediately after lapse of six months.

(Prabhat Kumar Jha, J)

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