

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47303 of 2017

Arising Out of PS.Case No. -235 Year- 2017 Thana –SARAIYA (Jaitpur O.P) District-
MUZAFFARPUR

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Madan Kumar @ Madan Prasad Kushawaha Son of Baidya Nath Bhagat,
R/o Village- Chako Chhapra, P.S.- Saraiya (O.P. Jaitpur), District-
Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok

For the Opposite Party/s : Smt. Madhuri Lata

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 18-10-2017 Heard learned counsel for the petitioner and learned APP for
the State.

2. The petitioner is in custody since 07.08.2017 in
connection with Saraiya (Jaitpur O.P.) P.S. Case No. 235 of 2017 for
the alleged offences under Sections 406, 420 of the Indian Penal
Code and Section 138 of the N.I. Act.

3. It is submitted that the petitioner has been falsely
implicated as the cheque book containing the cheque leaves in
question had been taken away in a dacoity in the night of
27.06.2015 in the house of the petitioner. The petitioner has
already been granted bail in respect of an offence similarly alleged
with respect to another cheque leaf from the same cheque book. It
is submitted that the said two cases have been lodged against the
petitioner by the brother of the informant and the informant
(Investigating Officer) respectively, in connivance with one Awadh
Rai against whom the petitioner had instituted Saraiya P.S. Case No.
219 of 2015 in respect of the said dacoity. Except as above, the



petitioner claims clean antecedents.

4. Be that as it may, having regard to the entirety of the facts and circumstances of the case, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Sub Judge Ist-cum-ACJM Ist (West), Muzaffarpur in connection with Saraiya (Jaitpur O.P.) P.S. Case No. 235 of 2017 on the following conditions:-

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

Chandran/BT

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