

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.75109 of 2018

Arising Out of PS. Case No.-304 Year-2018 Thana- BUDDHACOLONY District- Patna

1. Akshay Jain S/o S K Jain, resident at 3A- 014, G C Grand 2C, Vaibhav Khand Indirapuram, P.S.- Indirapuram, Shipra, Sun City, Ghaziabad, Uttar Pradesh.
2. Ganesh Kumar, S/o Kamleshwari Mali, Resident at C- 18 Indrapuri Colony Near Hamygilani Apartment Samanpura, Rajabazar, P.S.- Shastrinagar, District- Patna. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saroj Kumar Sharma, Advocate

For the Opposite Party/s : Mr.Sri Manoj Kumar – 1 (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 21-12-2018 Heard learned counsel for petitioners, learned counsel for the informant as well as learned counsel for the State.

Petitioners, who are in custody, seek bail in connection with Budha Colony P.S. Case No. 304 of 2018 registered for the offences punishable under Sections 409, 420, 504, 506/34 of the Indian Penal Code.

As per F.I.R., allegation against the petitioners is that they had taken total Rs. 9,00000/- (nine lakhs) only for giving gas agency to the informant but neither gas agency was given nor amount was returned.

Petitioners have agreed to refund Rs. 9,00000/- (nine lakhs) and shall pay amount within three months in equal three installments.

In the facts and circumstances as stated above, on payment of Rs. 2,00000/- (two lacs) to the informant, the



petitioners are directed to be released on **provisional bail** on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-XIII, Patna, in connection with Budha Colony P.S. Case No. 304 of 2018, the provisional bail of the petitioners will be confirmed by the learned court below on payment Rs. 7,00000/- (seven lacs) within four months from the date of release to the informant, failing which the bail bond of the petitioners shall be cancelled. The payment made will be subject to decision/final outcome of case with following conditions:

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by Court and his absence on two consecutive dates without sufficient reasons, their bail bond shall be cancelled by the court below.
- (3) If the petitioners tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(S. Kumar, J)

Rajiv/-

U		T	
---	--	---	--

