

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No 526 of 2018

Arising Out of PS.Case No. -58 Year- 2002 Thana -IMAMGANJ District- GAYA

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Krishna Paswan S/o Late Kailu Paswan, R/o Village- Jalbar , P.S.-
Imamganj, District- Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Ramashish, Advocate

For the S t a t e : Mr Nawal Kishore Prasad, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 10-01-2018

Heard counsel for the petitioner and the State.

Petitioner seeks bail in a case registered under
Sections 409, 420/34 of Indian Penal Code.

In the first information report, the allegation has been made that the petitioner was entrusted with construction of community hall in the year, 1998-1999. He did not complete the work and has taken some advance in excess which was not returned. The first information report has been lodged in the year, 2002 and it is submitted by the counsel for the petitioner that immediately thereafter, in 2003, the same Block Development Officer, who is the informant, has written to the authorities communicating that the work has been completed. Counsel for the petitioner submits that the petitioner is in custody in connection with this case since 21.10.2017 and prior to the instant case, there



is no criminal antecedent of the petitioner. He further draws attention of the Court that the fact regarding completion of the structure has been considered by the Court below in the order dated 17.11.2017 whereby his prayer for bail was rejected solely on the ground that he had surrendered in this case after lapse of more than 14 years.

Considering the aforesaid submissions, prayer for bail is allowed. Let the petitioner above named 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 Sub Divisional Judicial Magistrate, Sherghati, District - Gaya in Imamganj Police Station Case No 58 of 2002/Trial No 48 of 2017 subject to the following conditions:

(i) That 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 the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That 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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