

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40597 of 2018

Arising Out of PS.Case No. -303 Year- 2017 Thana -MADHUBAN District-
EASTCHAMPARAN(MOTIHARI)

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1. Shiv Shankar Prasad Gupta S/o Baidhnath Shah, R/o Vill.- Dihu Tola,
P.S.- Madhuban, Distt.- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh

For the Opposite Party/s : Mr. Yogendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 13-07-2018 Heard the parties.

The petitioner is apprehending his arrest in connection with Madhuban P.S.Case no.303 of 2017 , registered for offences punishable under Sections 406 and 420 of the Indian Penal Code.

Allegation against the petitioner is that he had gone to deposit the amount in the Consumer Service Centre on which the petitioner who is Co-ordinator of centre , refused to accept the same and sent the informant to the Main Branch where he deposited the amount and thereafter he gave the receipt to the petitioner but the petitioner has made some manipulation and withdrew his amount.

Submission of the learned counsel for the petitioner is that according to the FIR itself the amount has been deposited in the Main Branch by informant and it is not possible for the petitioner



to withdraw the same without signature of the informant.

Heard learned A.P.P. also.

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of six weeks from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM 4th, East Champaran, Motihari in connection with Madhuban P.S.Case no.303 of 2017 subject to condition as laid down under Section 438 (2) of the Code of Criminal Procedure.

With following conditions :

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall co-operate in the investigation of the case and make himself available as and when required by the Police, otherwise, the prosecution is free to move for cancellation of his bail bond.

With the aforesaid direction, this application is allowed.

(Vinod Kumar Sinha, J)

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