

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22499 of 2018

Arising Out of PS.Case No. -43 Year- 2017 Thana -DARBHANGA District- DARBHANGA

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1. Binod Kumar Mandal S/o Late Bishwanath Mandal resident of Benta Chowk, P.O. & P.S. Benta, Laheraisarai, District - Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimal Kumar Jha

For the Opposite Party/s : Mr. Dr. Rabindra Kumar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 21-06-2018 Heard the parties.

The petitioner is apprehending his arrest in connection with Darbhanga Town P.S.Case nO.43 of 2017 , registered for offences punishable under Sections 420, 406 and 409/34 of the Indian Penal Code.

Allegation against the petitioner is that he executed power of attorney in favour of the complainant after receiving Rs.6,84,000/- but later on that land has been sold to another person.

Submission of the learned counsel for the petitioner is that power of attorney shows that it is not for the purpose of selling land and moreover the petitioner was suffering from heart disease.

Heard learned A.P.P. also, who has opposed the prayer for bail stating that witnesses have also supported the case of the



prosecution stating that petitioner has admitted before them that he will return the money.

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioner, above named, surrender before the court below within a period of six weeks from the date of receipt of the order and on surrender he will 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 C.J.M., Darbhanga in connection with Darbhanga Town P.S.Case No.43 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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