

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19947 of 2019**

Arising Out of PS. Case No.-164 Year-2015 Thana- GAUNAHA District- West Champaran

CHANDRIKA KUSHWAHA @ CHANDRIKA PRASAD KUSHWAHA Son
of Sri Mohan Kushwaha @ Mohan Prasad Kushwaha Resident of Village -
Pakadi Vishauli, P.S.- Gaunaha, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

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

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 05-04-2019 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks regular bail in connection with
Gaunaha P.S. Case No. 164 of 2015, registered for the
offence punishable under Sections 406, 420, 467, 468 and
471 of the Indian Penal Code.

The allegation is regarding the informant having
handed over a sum of Rs. 30 lakhs, for the purposes of
running business, to the accused persons, while the informant
had gone away to Delhi for his treatment, however, in the
meantime, it appears that the accused persons had
misappropriated the said money.

The learned counsel for the petitioner has submitted
that the co-accused persons have already been granted bail on
the condition that they repay the amount due against their



respective names qua the informant. One of such order is dated 30.07.2018, passed by a coordinate Bench of this Court in Criminal Miscellaneous No. 42860 of 2018. It is submitted that the petitioner is having a clean antecedent and he is languishing in custody since 3.6.2018.

Per contra, the learned counsel for the informant submits that the petitioner should be directed to be released from custody only after the learned trial court is satisfied that the amount standing in the name of the petitioner herein has been re-paid.

The learned counsel for the parties shall appear before the learned trial court on 12.04.2019 at 10:30 AM. so that the issue of payment of outstanding amount by the petitioner to the informant is sorted out.

Having regard to the facts and circumstances of the case, I deem it fit and proper to direct for release of the petitioner on regular bail immediately upon the learned trial court being satisfied that the amount standing in the name of the petitioner has been repaid to the informant, as well as subject to such other conditions as may be imposed by the learned Sub Divisional Chief Judicial Magistrate, Bettiah, West Champaran in connection with Gaunaha P.S. Case No. 164 of



2015.

With the aforesaid directions, the present bail
petition stands disposed of.

(Mohit Kumar Shah, J)

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