

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61159 of 2019

Arising Out of PS. Case No.-544 Year-2017 Thana- KOTWALI District- Patna

Shyam Ji Gupta @ Shyam Ji, S/o Late Banke Lal Gupta, Resident of New Market, Bhadohi, Chandani Chowk, Ward No.- 6, P.S.- Bhadohi, District- Bhadohi, Uttar Pradesh

... .. Petitioner/s

Versus

1. The State of Bihar
2. Manoranjan Kumar Sinha, Accounts Officer, B.S.N.L., Bihar Circle, Patna-800001

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Jagjit Roshan, Advocate
For the BSNL	:	Mr. Upendra Kumar Singh, Advocate
For the State	:	Ms. Nirmala Kumari, APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 04-11-2019 Heard learned counsel for the petitioner and the learned counsel appearing on behalf of the BSNL and the learned counsel appearing on behalf of the State.

The petitioner, who is in custody since 31.05.2018 in connection with Kotwali P.S. Case No.544 of 2017, registered for the offence under Sections 417, 418, 419, 420, 465, 468, 120B of the Indian Penal Code, on his remand, has taken in custody in connection with Varanasi Chowk P.S. Case No.219 of 2017 with effect from 21.09.2017.

Learned counsel for the petitioner submits that in connection with the aforementioned case of identical offence, the petitioner has been granted the privilege of bail. He further



submits that in another case also, bearing Kachawan P.S. Case No.412 of 2017, the petitioner has also been granted the privilege of bail from the court of Additional Sessions Judge, Court No.2, Mirzapur with the allegations which are similar to the allegations as in the present case. Learned counsel for the petitioner further submits that only because he was an accused in the two cases, he has been implicated in connection with present case and is languishing in jail since 31.05.2018. It is further submitted on behalf of the petitioner that other accused persons with whom the allegation is of cloning the cheques and withdrawal of the same, have since been extended the privilege of bail, vide Annexure 4 series, appended to the present bail application. He further submits that the petitioner has been in custody in connection with the present case for almost one year and a little over four months and therefore, since the other similarly situated persons have been extended the privilege of bail, the petitioner may also be extended the same privilege, subject to the same conditions.

Having considered the entire gamut of circumstances and that other similarly situated co-accused persons have been extended the privilege of bail in Kotwali P.S. Case No.544 of 2017, let the petitioner, above named, be



released on bail on his furnishing bail bond of Rs.10,000/-
(Ten thousand) with two sureties of the like amount each to
the satisfaction of the learned Chief Judicial Magistrate,
Patna, in connection with Kotwali P.S. Case No.544 of 2017,
subject to the following conditions:

(1) Bailors should be local having
sufficient immovable property within the
jurisdiction of the court concerned.

(2) Petitioner 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 the Court and his absence on
two consecutive dates without sufficient reason, his
bail bond shall be cancelled by the court below.

(3) If the petitioner 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 petitioner.

(Anjana Mishra, J)

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