IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60348 of 2019

Arising Out of PS. Case No.-4569 Year-2017 Thana- PATNA COMPLAINT CASE District-Patna

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Omkar Nath, Son of Kishore Kumar Singh R/o Bhekhura, P.S.- Mufassil, District - Bhojpur

... ... Petitioner/s

Versus

1. The State of Bihar
2. Reena Kumar, Daughter of Vishwanath Sahu R/o Narahia, P.S.- Laukhi, District - Madhubani at present C/o Jagdish Roy, Hanuman Nagar Near Kali Mandir, P.O.- Lohia Nagar, P.S.- Patrakar Nagar, District - Patna.

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Sanjay Sinha
For the Opposite Party/s : Mr.Ashok Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

3 20-11-2019 Heard learned counsel for the petitioner, counsel for the informant as well as learned A.P.P. for the State.

The petitioner seeks bail in connection with Complaint Case No.4569(C)/2017, instituted for the offence under Sections 406, 420 of the Indian Penal Code and Section 138 of N.I. Act.

The allegation against the petitioner is that petitioner has received money to ensure illegal appointment through back door and that the amount have not been returned, the complaint, in question, has been lodged.

It is submitted by the petitioner's counsel that the

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same cheque dated 28.05.2017 has been utilized again and again by the complaint. Earlier on the basis of same cheque, Danapur P.S. Case No.433 of 2017 has been lodged against the petitioner.

It has been further submitted that the complainant had in fact entered into an agreement compromising the matter arising out of this complaint case as well as Danapur P.S. Case No.433 of 2017, which fact is disputed by the counsel appearing for the informant. In support of the said submission, the petitioner has enclosed the compromise agreement.

The further submission of the petitioner's counsel is that others co-accused have already been allowed bail by this Court in Cr. Misc. No.20139 of 2018 and Cr. Misc. No.21247 of 2018. The further submission of the petitioner's counsel is that complainant himself entered into a legitimate arrangement for obtaining back door in service and under such circumstances, the complainant is also equally guilty of indulging in illegal activity.

Learned APP for the State opposed the prayer for bail.

Having considered the rival submissions of the parties and the fact that petitioner is in custody since 15.05.2019, prayer for bail is allowed. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten

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thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Judge-XV-cum-A.C.J.M., Patna, in connection with Complaint Case No.4569(C)/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 bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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