

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4596 of 2020

Arising Out of PS. Case No.-40 Year-2019 Thana- BARSOI District- Katihar

MD. EMRAN Son of Late Aminoor Rahman @ Dr. Putul Resident of Village
- Balupara, P.S.- Barsoi, District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Helal Ahmad

For the Opposite Party/s : Mr.Ajay Kumar

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 23-01-2020 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner in the present case is seeking regular bail
in connection with Barsoi P.S. Case No.40 of 2019 registered for
the offence punishable under Section 409 of the Indian Penal
Code.

Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this case.
Learned counsel submits that the petitioner is ready to deposit the
amount in question.

Learned APP has opposed the prayer for bail.

Considering the facts and circumstances of the case
wherein it is the submission of learned counsel for the petitioner
that the petitioner being the in-charge headmaster of the school in



question had taken steps for construction of building, some constructions had been made but then the suppliers to whom some amount were paid to provide raw materials fled away and committed default in supply therefore the construction could not be completed and further submission that for the purpose of bail only the petitioner is ready to deposit the entire amount of Rs.13,59,000/- which was advanced to the petitioner for purpose of construction subject however to the result of the criminal proceeding in trial as also the submission of learned APP for the State that in such circumstance if the petitioner is willing to deposit the entire amount the Court may consider his prayer for regular bail at this stage, and then the undertaking of learned counsel for the petitioner on instruction from the petitioner that he would pay the entire amount of Rs.13,59,000/- in four equal monthly installments in favour of the informant or the department as the case may be by way of a demand draft which could be produced in the court below each and every month till the payment of the entire amount of Rs.13,59,000/-, this Court directs release of the petitioner on bail on furnishing bail bond of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st, Katihar in connection with Barsoi P.S. Case No.40 of 2019, subject to the condition as laid down under Section 437 (3) Cr.P.C.



as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police officer or tamper with the evidence.

and subject to the further condition that at the time of submission of the bail bond he will deposit the first instalment of Rs.3,39,750/- and thereafter he would continue to pay the next three instalments in the interval of one month in the court below in favour of the informant or the department as the case may be.

The deposits are without prejudice to the contentions of the petitioner and subject to result of the criminal case.

This application stands disposed of.

(Rajeev Ranjan Prasad, J)

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