

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23243 of 2020

Arising Out of PS. Case No.-255 Year-2019 Thana- KAJI MUHAMMADPUR District-
Muzaffarpur

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MUKESH KUMAR Son of Ram Briksh Choudhary Resident of Village-
Kapoorbag Imli Chowk, P.S.- Bela, District- Muzaffarpur ... Petitioner
Versus

THE STATE OF BIHAR ... Opposite Party

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Appearance :

For the Petitioner : Mr.Ravindra Nath Dubey, Advocate
For the Opposite Party : Mr. Addl Public Prosecutor
Bela Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 10-09-2020 Heard learned counsel for the petitioner, State and the informant.

The petitioner seeks bail in a case registered for the offence punishable under sections 420/120B and other sections of the Indian Penal Code.

As per prosecution's case, the petitioner and other accused persons, being the office bearers of Swarn India Multi State Credit Cooperative Society Ltd. claiming to be a licensee of LIC of India, took money through the agents and other depositors including the informant on the pretext of Insurance and Fixed Deposit. However, they did not repay the maturity amount and misappropriated its proceeds. It is also alleged that in fact they did not deposit the premium to the LIC and also issued forged receipts.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case because of being full brother of co-accused Sonu Kumar who is the Chairman of the aforesaid company, which is duly registered under the Society Act. He submits that the said co-



accused has already been allowed bail by a bench of this Court vide order dated 7.11.2019, passed in Cr.Mis.No. 58894/2019 (Annexure 2). Referring to the order dated 7.11.2019, he submits that the parties have already compromised/resolved their pending dispute and have also filed a petition to this effect in the court below, which fact had not been confronted by the counsel appearing for the informant in that case. Petitioner has got no criminal antecedent and he is in custody since 29.4.2020. Charge sheet has also been filed in the case. There is no allegation of tempering with the evidence.

Learned counsel for the informant vehemently opposes the prayer for bail to the petitioner. She submits that there is allegation of cheating against the petitioner. She submits that the informant has already filed a petition for cancellation of order dated 7.11.2019 in which the Court has noticed the petitioner of that case.

In the facts of the case as well as considering the fact that co-accused has already been allowed bail by a bench of this Court keeping in view the compromise arrived at between the parties, as also the fact that charge sheet has already been filed in the case as well as the period of incarceration of the petitioner, prayer for bail of the petitioner is allowed. Let the petitioner mentioned above be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Muzaffarpur in Kazi Mohammadpur Police Station Case No. 255/2019 on the following conditions:-

(1) 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



on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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