

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22801 of 2020

Arising Out of PS. Case No.-52 Year-2020 Thana- SAHARSA District- Saharsa

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DIPAK KUMAR Son of Birendra Singh Resident of Village- Rampur Dumra,
P.S.- Maranhi, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. P.K.Shahi, Sr. Adv. with Mr.Vikas Kumar Adv.
For the Opposite Party/s : Ms. Sharda Kumari

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 08-10-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsel are appearing and making submissions from their residence. The Court master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Heard learned senior counsel for the petitioner and learned APP for the State.

Learned counsel for the petitioner is expected to honor his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon.

Petitioner apprehends his arrest in connection with Saharsa Sadar P.S. Case no. 52 of 2020 instituted for the offence under Sections 406, 420, 468 and 478 of the Indian Penal Code.



The prosecution case alleges that fake term deposit certificates have been submitted as earnest money for obtaining the government tender.

Petitioner's counsels submits that the term deposit receipts were deposited by the petitioner as he had obtained the receipts through an agent. The petitioner knew that acceptance was subject to verification. Intention of the petitioner, therefore, cannot be doubted in any manner in submitting the term deposit. Immediately after the petitioner was informed that same were fake, the entire amount has been made good by depositing the term deposits for the entire amount issued by the I.D.B.I. Bank which had already been verified by the Respondent Authority as being genuine. The fake term deposit receipts have also been returned to the petitioner.

The learned senior counsel further submits that the departmental civil action arising out of deposit of such alleged fake term deposit receipt has already been interfered with by this Court in the proceedings arising out of C.W.J.C. No. 3963 of 2020 and analogous case under order dated 03-09-2020.

The learned APP for the State has opposed the prayer for anticipatory bail.

Considering the aforesaid facts, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner before the court below, named above, within four (04) weeks from today, he shall be released on anticipatory bail on



furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the C.J.M. Saharsa in connection with Saharsa Sadar P.S. Case no. 52 of 2020 ,subject to the conditions as laid down under Section 438(2) Cr. P.C. 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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