

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24348 of 2020

Arising Out of PS. Case No.-252 Year-2015 Thana- MADHEPURA District- Madhepura

BHOLA MEHTA S/o Late Masudan Mehta Resident of Village- Pama, Sirha
Tola, Ward No.-03, P.S.- Saurbazar, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baxi S.R.P. Sinha, Sr. Advocate

For the Opposite Party/s : Mr. Ram Sumiran Rai, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 01-12-2020 Heard Mr. Baxi S.R.P. Sinha, learned counsel for the

petitioner and Mr. Ram Sumiran Rai, learned Additional Public

Prosecutor appearing for the State through video conferencing.

Petitioner seeks regular bail in connection with
Madhepura P.S. Case No. 252 of 2015 registered for the
offences punishable under Sections 406, 420, 467, 468 and
120(B) of the Indian Penal Code 1860.

The allegation as per the First Information Report
lodged by the informant (Labour Superintendent, Madhepura)
vide its letter No. 54 dated 11.5.2015 stating therein that the
petitioner in collusion with the main accused Rameshwar
Abhishek @ Ramesh Abhishek @ Israil and others, fraudulently
on paper, opened National Child Labour School which had
already been closed in the year 2010 due to non-renewal of the



agreement with the N.G.O. It has further been alleged that the co-accused persons including the main accused cheated the villagers of the money between Rs.5,000/- to 10,000/- in the name of providing job.

Learned senior counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and from perusal of the First Information Report it would be evident that Rameshwar Abhishek @ Ramesh Abhishek @ Israil is the main accused and a list of persons including the petitioner has also been mentioned in the First Information Report who allegedly helped the main accused in establishing the fake child labour school in Madhepura block. Learned counsel further submits that name of the petitioner is allegedly placed at Sl. No. 8 in the list. Learned counsel further submits that in the First Information Report no role is attributed to the petitioner that he helped the main accused in any manner. Learned counsel also submits that the petitioner is also victim inasmuch as he has been cheated by the main accused in the name of providing job and petitioner has not sent any letter to NHRC for a direction to the competent authority to allot money to the school in the name of giving salary, providing food and dress to the student. Learned counsel also submits that similarly



situated co-accused person Prabhat Kumar has been granted bail by a co-ordinate Bench of this Court in Cr. Misc. No. 71942 of 2019.

On the other hand, learned counsel for the State referring to the case diary submits that the statement of the informant has supported the prosecution story and on the basis of investigation, the supervising authority also found the case true against the petitioner.

Having regard to the submissions made by the parties and taking into consideration the materials on record and the fact that that the petitioner is in custody since 19.3.2020 having no criminal antecedent and the similar situated co-accused person has been granted bail by a co-ordinate Bench of this Court, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura, in connection with Madhepura P.S. Case No. 252 of 2015 subject to the following conditions:-

(i) that petitioner shall cooperate in the trial and shall be properly represented on each and every dated fixed by the court and shall



remain physically present, as directed by the court below and on his absence on two consecutive dates without sufficient reason, his bail bonds shall be cancelled by the court below.
(ii) that if the petitioner tampers with the evidence or the witnesses, in that event, the prosecution will be at liberty to move for cancellation of bail.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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