

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.28608 of 2020**

Arising Out of PS. Case No.-171 Year-2019 Thana- SHEOHAR District- Sheohar

VIJAY KUMAR @ VIJAY RAM Son of Hiralal Ram Resident of Village -
Jafarpur, P.S.- Sheohar, District - Sheohar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Surendra Kishore Thakur, Advocate

For the Opposite Party/s : Mr.Jay Narayan Thakur, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 17-12-2020 Learned counsel for the petitioner undertakes to

remove all the defects pointed out by the Stamp Reporter within

four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Jay
Narayan Thakur, learned A.P.P. for the State.

Petitioner in the present case is seeking pre-arrest bail

in connection with Sheohar P.S. Case No. 171 of 2019

registered for the offences punishable under Sections 120(B),

409 and 420 of the Indian Penal Code.

Learned counsel for the petitioner submits that so far

as this petitioner is concerned, he was at the relevant time in the

year 2012 working as Panchayat Rojgar Sevak, he had no

authority to sign the cheque and on a bare perusal of the First

Information Report which has been lodged after 7 years it would



appear that earlier there was a direction to recover Rs.1,65,000/- from the then Mukhiya, Ward member of Ward No. 14, from this petitioner and the then Junior Engineer. Pursuant to the said direction this petitioner had deposited the amount together with interest. It is submitted that FIR has been lodged after 7 years and considering this aspect of the matter Mukhiya has been granted privilege of anticipatory bail by a learned Co-ordinate Bench of this Court in Cri. Misc. No. 22013 of 2020.

Learned APP for the State has though opposed the prayer for pre-arrest bail of the petitioner but considering the facts and circumstances of the case and the submissions noticed hereinabove, let the petitioner above-named in the event of his arrest or surrender within a period of four weeks from today in connection with Sheohar P.S. Case No. 171 of 2019, be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sheohar, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;



(ii) a condition that the 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;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

The application is allowed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/Rajeev

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

