

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36157 of 2019

Arising Out of PS. Case No.-342 Year-2016 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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Magister Yadav Son of Madhuk Yadav Resident of Village- Patilar, P.S.-
Choutarwa, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Arun Pandey Son of shri Markandey Pandey Resident of Village- Borbal,
P.S. Bagaha, Distt. West Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey

For the Opposite Party/s : Mr.Satyavrat Verma

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 18-02-2020 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehends his arrest in **Complaint**
Case No. C 342 of 2016 corresponding to Sessions Trial No.
1591 of 2019, registered for the offence punishable under
Sections 406, 420 and 34 of the Indian Penal Code.

It is alleged that petitioner took Rs. 50,000/- from the
informant and assured that mobile tower will be installed at the
field of informant, but the tower was not installed and till date
petitioner did not return the money.

It is submitted by learned counsel appearing on behalf
of petitioner that petitioner has falsely been implicated in this



case. There is no chit of paper available on the record which shows that petitioner has taken the money from the informant. The occurrence is of the year 2014, but the complaint was made after a lapse of one and half year for which no plausible explanation has been given. Petitioner has got clean antecedent.

Considering the facts aforesaid, the petitioner above-named, in the event of his arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, is directed to 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 the learned **Additional Chief Judicial Magistrate Ist Bagaha, West Champaran** in connection with **Complaint Case No. C 342 of 2016**, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with further conditions:-

(i) The 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.



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

(Prabhat Kumar Singh, J)

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