

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76342 of 2019

Arising Out of PS. Case No.-245 Year-2017 Thana- ITARHI District- Buxar

Teja Shankar Ram @ Teja Shankar Kumar Ram Son of Bengali Ram @
Bangali Das Resident of Village - Kasina, P.S.- Garkha, Distt - Saran, Chapra
(Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashwini Kumar Rai

For the Opposite Party/s : Mrs.Nirmala Kumari

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 18-06-2020 The matter has been taken up through virtual Court proceeding.

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

The petitioner is languishing in custody since 15.09.2019 in a case registered for the offences punishable under Sections 406 and 420 of the Indian Penal Code, hence, the prayer for bail has been made through the present application.

The prosecution case, as per the written report of Chandan Kumar Pathak, Branch Manager of a non-banking financial company submitted to the Station House Officer, Itarhi Police Station, is to the effect that a non-banking financial company used to provide financial assistance to the poor



females for providing them employment. It is alleged that on 03.11.2017 the petitioner collected Rs. 37,923/- from 57 beneficiaries but did not deposit the same in the company.

It is submitted by learned counsel for the petitioner that for the alleged occurrence of 03.11.2017, the FIR was registered on 03.12.2017 and there is no proof with regard to the collection of the said amount. The investigation has already been concluded and petitioner is languishing in custody since 15.09.2019. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the petitioner committed fraud by collecting money from the beneficiaries and did not deposit the same.

Considering the delayed lodging of the case, the investigation has already been concluded and statement being made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned Additional Chief Judicial Magistrate-VI, Buxar in connection with Itarhi P.S. Case No. 245 of 2017.

However, in view of the present pandemic



COVID-19, it will be open for the learned Court below to accept the bail bond upon furnishing an undertaking by the surety, on photo copy of his Aadhar Card, to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-VI, Buxar in connection with Itarhi P.S. Case No. 245 of 2017.

The learned Court below is at liberty to further extend the period of provisional bail if the court proceeding in physical mode will not resume in next three months.

(Dinesh Kumar Singh, J)

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