

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86659 of 2019

Arising Out of PS. Case No.-170 Year-2019 Thana- KHODAWANDPUR District- Begusarai

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VIJAY KUMAR MAHTO @ VIJAY KUMAR MAHATO, Son of Late Baulal Mahto Resident of Village - Ward No. 5, Bhoja, Shahpur, P.S.- Khodawandpur (Chaurahi O.P.), Distt - Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rambali Das Son of Nandan Das Resident of Village - Sahpur, P.S.- Khodawandpur (Chourahi O.P.), Distt - Begusarai.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Pritish Kumar Lal, Advocate
For the Opposite Party/s :	Mr. Ram Priya Sharan Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 14-01-2020 Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 420, 406, 407, 408, 409, 120(B) of the Indian Penal Code, Section 66 and 66(C) of the Information Technology Act.

The complaint based FIR would reveal that the complaint is an account holder in the State Bank of India and he was doing business at the customer service centre of the said bank where the petitioner was in-charge of the same. Allegation is that on different occasions, the complainant signed withdrawal form, however, the money was not provided on the pretext that link is still not working and subsequently the



petitioner withdrew the money and kept with him.

Learned counsel for the petitioner submits that Annexure-3 series would show that each and every time money was received by the complainant after signing on the withdrawal voucher and it is not believable that withdrawal form was signed on different occasions i.e. 15.11.2016, 17.11.2016, 23.11.2016 and 24.11.2016 but without accepting the withdrawn amount of the earlier signed withdrawal form. There is no material to substantiate that the petitioner is going to tamper with the evidence or abscond the process of law.

Since the petitioner was Sarpanch of the local Panchayat in the past, for political rivalry, false case has been lodged. Petitioner has got no criminal antecedent.

Learned counsel for the complainant opposed the prayer for bail, however, could not explain the aforesaid infirmity.

Considering the facts of this case aforesaid, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Khodawandpur (Chourahi O.P.) Police Station Case No. 170 of



2019 arising out of Complaint Case No. 122C of 2019, subject to the following conditions:-

(a) The petitioner shall fully cooperate with the investigation/trial of the case, failing which the learned court below shall be at liberty to cancel the bail bond of the petitioner.

(b) Both the bailors shall be resident of the territorial jurisdiction of the learned court below.

(c) The petitioner shall not leave the country without permission of the court.

(Birendra Kumar, J)

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