

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17339 of 2020

Arising Out of PS. Case No.-1091 Year-2019 Thana- ARARIA District- Araria

RANA SINGH S/O Dilip Kumar Singh R/o Mohalla Dehariya Naya Tola, P.S. Katihar, District Katihar.

... .. Petitioner

Versus

1. THE STATE OF BIHAR
2. Samar Vijay S/O Chandra Shekhar Singh R/o- Purvi Rohani, Pu... Pustkalay Gali, P.S. Kadamakuan, Distt.- Patna. Area officer samasta Micro Finance Ltd. R/O Kharhiya Basti Araria

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Anupa Nand Jha, Advocate
For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

7 06-01-2021 Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking pre-arrest bail in connection with Araria P.S. Case No. 1091 of 2019 in G.R. No. 4438 of 2019 registered for the offences punishable under Sections 406, 420 of the Indian Penal Code.

Learned counsel for the petitioner submits that the FIR has been lodged by the Area Officer of a private finance company alleging that the petitioner has collected money from the self-help groups in the name of providing loan for the company. In this matter he has collected Rs.1,04,666/- of which the proof is available. He has also collected a sum of Rs.1,90,030/- but there is no proof of that.

Learned counsel submits that the petitioner has been falsely implicated in this case and no material has been collected by



the investigating officer till date from which it may appear that there is any proof of receipt of the money.

Learned APP for the State has gone through the case diary and he has confirmed that in course of investigation no proof relating to collection of money by the petitioner has been produced before the I.O.

Having regard to the facts and circumstances of the case, in the nature of the allegations and that in the case diary no material has been shown from which it may be found that the petitioner has collected money, at this stage this Court directs in case of his arrest or surrender the petitioner above-named within a period of four weeks from today in connection with Araria P.S. Case No. 1091 of 2019 in G.R. No. 4438 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, Araria, subject to the condition 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. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

And further condition that he will report to the investigating officer of the case within a period of four weeks from today and shall cooperate in course of investigation.

The application stands allowed.

Case diary has been returned and let it be kept on the record.

(Rajeev Ranjan Prasad, J)

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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'.

