

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40072 of 2021**

Arising Out of PS. Case No.-152 Year-2021 Thana- RAFIGANJ District- Aurangabad

ADITYA KUMAR S/o Janardhan Yadav R/o Village- Habaspur, P.S.-
Haspura, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukul Kumari, Adv.

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 21-12-2021 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in connection with Rafiganj P.S. Case No. 152 of 2021 / G.R. No. 844 of 2021 registered for the offence under Sections 420, 467, 468, 423, 417 and 418 of the Indian Penal Code.

The petitioner, impersonating himself as Junior Engineer of South Bihar Distribution Company Limited, is alleged to have issued a fake receipt of Rs-3743.00/- to floor Mill of one Sanjay Kumar.

Learned counsel appearing for the petitioner



submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. In fact, neither any fake receipt nor even a single penny as alleged in the F.I.R. has been recovered from the possession of the petitioner. Therefore, no case under section 420 of the Indian Penal Code is made out against the petitioner. The petitioner is rotting in judicial custody since 24.05.2021

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Rafiganj P.S. Case No. 152/ G. R. No. 844 of 2021 of 2021 with the following conditions:-

(1) 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 on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.



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

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.

(Rajesh Kumar Verma, J)

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