

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44500 of 2021

Arising Out of PS. Case No.-858 Year-2020 Thana- SARAIYA District- Muzaffarpur

DEEPAK TIWARI @ MALIK Son of Late Ramchandra Tiwari Resident of
Village - Sadhanpura, P.S.- Kathaiya, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar, Advocate

For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-12-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State through virtual mode.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with Saraiya P.S. Case No. 858 of 2020 registered for the offences punishable under Sections 409, 419, 420/34 of the IPC.

Allegation against the petitioner is that he along with other accused committed irregularity in Nal Jal Yojna.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence and he has falsely been implicated in the present case. In fact, it appears from the FIR itself that informant has given information to the



police on 23.12.2020 but the FIR was lodged on 26.12.2020 and the learned Magistrate has received the FIR on 05.01.2021. It is further submitted that petitioner is supplier of the material used in the Nal Jal Yojna. There is no allegation that the material which was used or supplied by the petitioner is below standard. Petitioner is in custody since 02.06.2021 in the present case.

The learned Additional Public Prosecutor opposed the prayer of bail submitting that petitioner carries one criminal antecedent.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioner, above named, 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 the learned Additional Chief Judicial Magistrate-IV (West) Muzaffarpur in connection with Saraiya P.S. Case No. 858 of 2020, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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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