

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37242 of 2020

Arising Out of PS. Case No.-122 Year-2019 Thana- ISHAKCHAK District- Bhagalpur

Sunil Kumar, Son of Bhikari Singh, Resident of Village- Digha, P.S. Dhangoi,
District- Bhojpur (Ara)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr.Shailendra Kumar Dwivedi, Advocate
For the S t a t e	:	Mr.Akbar Ali, APP
For the Informant	:	Mr. Praveen Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 02-03-2021 Heard learned counsel for the petitioner and the learned APP for the State as well as the learned counsel for the informant.

The petitioner seeks bail in connection with Ishakchak P.S. Case No.122 of 2019 for the offence punishable under Sections 406, 420, 379, 120B/34 of the Indian Penal Code.

The case is of the petitioner defrauding many persons after having taken personal loan.

The counsel for the petitioner submits that without prejudice to the allegations made in the FIR, the petitioner is willing to pay the informant the admitted amount of Rs.5,00,000 (Five lacs) within three months, if he is allowed the privilege of bail.



The counsel for the informant submits that the petitioner, even as per allegations in the FIR, has defrauded many persons and huge amounts are pending as due and he is likely to abscond in the event he is allowed the privilege of bail.

In view of the aforesaid submissions, the Court would allow the petitioner the privilege of provisional bail for a period of three months.

Accordingly, let the petitioner, above named, be released on **provisional bail for a period of three months from today** on furnishing bail bond of Rs.50,000/- (Fifty thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Bhagalpur, in connection with Ishakchak P.S. Case No.122 of 2019, subject to the following conditions:

(i) That one of the bailors will be **a Government servant or local close relative of the petitioner** who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.



It is made clear that the amount of Rs.5,00,000/- (Five lacs), which the counsel for the petitioner has undertaken would be paid to the informant, should be paid to the informant within the aforesaid period of three months, failing which the court below will have the liberty to pass an appropriate order, in accordance with law, which may include cancellation of the provisional bail granted to the petitioner.

However, if the court below is satisfied that the above mentioned amount of Rs.5,00,000/- (Five lacs) has been paid to the informant within the stipulated period of three months, the provisional bail granted to the petitioner may be confirmed by the court below itself.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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