

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56603 of 2021

Arising Out of PS. Case No.-586 Year-2020 Thana- SASARAM NAGAR District- Rohtas

PRAKASH KUMAR Son of Dilip Kumar Patwa Resident of - Ram Janki
Marg Chenari Rohtas, P.S.- Chenari, District - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabi Bhushan Prasad No. 1, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-12-2021 This petition has been taken up on the basis of

Mentioning Slip filed by the petitioner on the ground that the

grand-mother of the petitioner was died on 23.11.2021 and in

support thereof, the petitioner has attached the Death Certificate

issued by the competent authority.

Let the defect(s), if any, as pointed out by the Office,

be removed within four weeks of start of normal functioning of

the physical Court.

Heard learned counsel for the petitioner and learned

APP for the State.

The petitioner seeks regular bail in connection with

Sasaram (T) P.S. Case No.586 of 2020 registered for the offence

under Sections 419, 420 and 379 of the IPC.

As per prosecution case, a sum of Rs.40 lacs from the



account of the informant was misappropriated by some unknown persons through net-banking.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that nothing has been recovered from the possession of the petitioner. He further submits that he has falsely been implicated in this case on the basis of confessional statement of co-accused Bhola Shankar Kumar. He further submits that chargesheet has already been filed in the present case. He further submits that similarly situated co-accused, namely, Bhola Shankar Kumar has been granted regular bail by a Co-ordinate Bench of this Court passed in Cr. Misc. No. 13813 of 2021 vide order dated 16.08.2021 and also co-accused Yadunath Pandey @ Bhaiji has been granted bail by a Co-ordinate Bench of this Court passed in Cr. Misc. No. 10915 of 2021 vide order dated 15.07.2021. Petitioner is in custody since 10.02.2021.

However, learned APP for the State vehemently opposed the prayer for regular bail.

Considering the period of custody, the above named petitioner is directed to 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, Rohtas at Sasaram in connection with Sasaram (T) P.S. Case No. 586 of 2020 with following conditions:-

(i) 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 cancelled by the Court below.

(ii) 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.

(iii) That one of the bailors will be a 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.

(iv) 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.

(v) The learned court below is directed to verify the genuineness with regard to the death of the grand mother of the petitioner before releasing the petitioner.

(Rajesh Kumar Verma, J)

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