

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5373 of 2021

Arising Out of PS. Case No.-824 Year-2018 Thana- MOTIHARI TOWN District- East
Champaran

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Jai Kishan Tiwary S/O Shri Ramtapasya Nand Tiwary @ Tapasya Tiwari
Resident of Village-Areraj, P.S- Gobindganj, District-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shri Prakash Srivastava, Adv.
For the Opposite Party/s : APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 24-06-2021 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State through video

conferencing.

The petitioner has filed the instant application for
grant of regular bail in connection with Motihari Town P.S. Case
no. 824 of 2018/Special 17 of 2019 registered under sections
420, 409, 467, 468, 471, 472, 120B and 34 of the Indian Penal
Code.

As per the prosecution case, large amount in course of
land acquisition, was defalcated. One Sukhdev Sah who claimed
himself to be the main claimant received more than Rs 3 crores.
Further Rs. 1.3 crores was transferred in the account of the
petitioner.



It is submitted by learned counsel for the petitioner that the allegations as levelled against the petitioner are false and concocted. He has been falsely implicated in the case. The earlier application for bail was rejected vide order dated 2.3.2020 (Annexure P/1) giving direction to the learned Court below to expedite the trial and conclude the same within a period of 7 months. It is submitted that inspite of more than 1 year 3 months having passed since the passing of the said order, there is no progress whatsoever in the trial. The petitioner has remained in custody since 10.12.2018. He is ready to abide by all the conditions which may be laid by this Court for grant of bail.

The application for bail is opposed by learned Additional Public Prosecutor for the State.

By order dated 26.3.2021 a report with respect to the stage of trial had been called for and the same has been received. As per the report contained in letter no. 330/2021 dated 15.3.2021 of the Special Judge Vigilance, North Bihar, Muzaffarpur, the case record was received in the Court after transfer on 15.6.2019. It has further been stated that due to outbreak of Covid-19 pandemic and prevailing lock down the trial could not be expedited in light of the order of the High



Court dated 2.3.2020.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the nature of allegation, the order rejecting the earlier application for bail and the contents of the report of the learned Court below, the petitioner who has remained in custody since 10.12.2018 is directed to be enlarged on bail in connection with Motihari Town P.S. Case no. 824 of 2018/ Special 17 of 2018 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Vigilance, North Bihar, Muzaffarpur.

It is further directed that petitioner shall remain personally/physically present in the Court on each date of the trial. In case of the petitioner's absence on any date for reasons not to the satisfaction of the learned trial Court or in case of the petitioner's non-cooperation, the learned trial court will be at liberty to cancel the bail bond of the petitioner and to take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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