

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39530 of 2020

Arising Out of PS. Case No.-201 Year-2020 Thana- RAMKRISHNANAGAR District- Patna

Mithlesh Kumar Son of Rundev Mandal Resident of Village - Babhangama,
P.S.- Bihpur, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sunil Kumar Singh, Advocate
For the State	:	Ms. Meena Singh, APP
For the informant	:	Mr. Sheo Kumar Prasad Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 12-03-2021 Heard learned counsel for the petitioner, learned counsel
for informant as well as the learned APP for the State.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

The petitioner seeks bail in Ram Krishna Nagar PS Case No 201 of 2020, instituted for the offence under Sections 406,420,467,468 and 469 of the Indian Penal Code.

The petitioner is in custody since 08.07.2020 and it is submitted that he is on bail in Ram Krishna Nagar PS Case No. 194 of 2019 for the alleged offence under the Bihar Prohibition and Excise Act. Allegation against the petitioner is of taking money for arranging appointment of the informant in *Bharat Sanchar Nigam Limited* (for short '*the BSNL*'). The allegation is that a forged appointment letter was issued and when the informant objected neither the money has been returned nor the petitioner has facilitated the appointment of the informant.

Petitioner's counsel submits that the allegations made in



the First Information Report are a counter blast to the case lodged by the petitioner's wife, namely, Nutan Kumari vide Ram Krishna Nagar PS Case No. 199 of 2020, and, pursuant to the said case, the petitioner had been recovered from the captivity of the instant informant. The petitioner's case, at best, alleges an illegal transaction between the parties, for which, informant also cannot escape his criminal liability as substance of the prosecution case is that informant is trying to obtain appointment by illegitimate means.

The learned counsel for the informant and APP for the State have opposed the prayer for bail.

Considering the rival submissions, 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 Sub Judge-XIII-cum Additional Chief Judicial Magistrate, Patna Dist. Patna, in connection with Ram Krishna Nagar PS Case No 201 of 2020, subject to the following conditions:-

(i) 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.

(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.

(Madhuresh Prasad, J)

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