

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.352 of 2021

Arising Out of PS. Case No.-66 Year-2020 Thana- BUXAR MUFFSIL District- Buxar

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VIMAL RAI @ BIMAL KISHOR RAI Son of Tribhuwan Rai Resident of
Village - Chhotaka Nuaon, P.S.- Buxar (M), Dist.- Buxar, 802102

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s	:	Mr.Dr. Kamal Deo Sharma, Advocate
For the Opposite Party/s	:	Mr. Akhileshwar Dayal, A.P.P.
For the Informant	:	Mr. Lokesh Kumar, Advocate
		Mr. Sanjay Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 10-03-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner, learned
counsel for the informant and Mr. Akhileshwar Dayal, learned
A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Buxar (M) P.S. Case No. 66 of 2020 registered
for the offence under Sections 406 and 420 of the Indian Penal
Code.

Learned counsel for the petitioner submits that as per
the prosecution story, the petitioner is alleged to have not
executed the work for the amount received by him from the



informant who is a Ward Member of Kamarpur Gram Panchayat, Ward No. 04 under the scheme of Seven Nischay Yojna.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the work done by the petitioner has not been inspected by any technical person. Petitioner is ready to finish the work in question if the informant paid entire estimated cost to the petitioner. The petitioner is in custody since 21.08.2020.

Learned A.P.P. for the State as well as learned counsel for the informant have opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that the petitioner has been getting the work executed to the extent the amount received by him, learned counsel for the informant is though saying that the petitioner has completed the work for a little over Rs. 5,00,000/- only and has still not done the work worth Rs. 4,55,00/-, the learned counsel for the petitioner has responded saying that the work done by the petitioner has not been inspected by any technical person as yet, the petitioner is in custody since 21.08.2020 and the



investigation against him is complete, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Buxar (M) P.S. Case No. 66 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the petitioner shall complete the work to the extent of the amount received by him and local panchayat shall monitor the same.

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.

The application stands disposed of.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

