

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.6138 of 2021**

Arising Out of PS. Case No.-164 Year-2018 Thana- SURSAND District- Sitamarhi

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SHASHI BHUSHAN PANDIT S/O RAMKRIPAL PANDIT VILLAGE-
KORIYAH, WARD NO.11, P.S.-SURSAND, DISTRICT-SITAMARHI.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Devendra Kumar, Advocate
For the Opposite Party/s : Mr. Md. Fahimuddin, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

5 03-08-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Md. Fahimuddin, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Sursand P.S. Case No. 164 of 2018 for the offences registered under Section 409 of the Indian Penal Code. He is in custody since 9.7.2020.

Learned counsel for the petitioner submits that as per the prosecution story a sum of Rs. 3,20000/- was provided by the Government for construction of a godown, however, the godown was not constructed and sum of Rs. 3.2 lakhs transferred from the special savings account of the Samiti has been misappropriated.

Learned counsel submits that since the petitioner is joint signatory of the cheque with the Chairman of the PACCS, in order to show his bona fide and as a matter of gesture he is ready to deposit 1.60 lakh which is half of the total amount of Rs. 3,20,000/- learned counsel further submits that the chairman of the PACCS is also in judicial custody in connection with this case.

Learned APP for the State has though opposed the prayer for bail of the petitioner but considering the facts and circumstances of the case, the period of custody of the petitioner and further that the petitioner is ready to deposit Rs. 1.60 lakhs which is half of total amount with the Government, this Court directs release of the petitioner on bail on furnishing of bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned court of Sri Satindra Kumar, ACJM-1, Pupri, Sitamarhi in connection with Sursand P.S. Case No. 164 of 2018, subject to the conditions 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 is suspected, and

(c) that such persons shall not directly or indirectly make and 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 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.

And further condition that while submitting the bail bond the petitioner shall produce the proof of deposit of Rs. 1.60 lakh with the government account and on being satisfied therewith only the bail bond shall be accepted.

The application stands disposed of accordingly.

(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'.