

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12674 of 2022

Arising Out of PS. Case No.-212 Year-2021 Thana- BACHHWARA District- Begusarai

=====

CHANDAN KUMAR PATHAK, S/o Late Alakhdeo Pathak R/o village-
Parhanda, P.S.- Cherki, Bodhgaya, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Pintu Kumar Patel

For the Opposite Party/s : Mr. Akhileshwar Dayal

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 03-08-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with
Bachhwara P.S. Case No. 212 of 2021, GR No. 2926 of
2021, registered for the offences punishable under Sections
406 and 420 of the Indian Penal Code.

As per allegation, the petitioner started a plan
under which it was promised to the consumers that on the



investment of Rs. 1000/-, they would get free mobile recharge for the whole year. It is further alleged that only after three months the company has been shut down. Further allegation is that an amount of Rs. 45,000,00/- is due against the petitioner.

The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He submits that the petitioner is an employee of the said company and if any offence has been committed, it has been committed by the company and not by the petitioner/employee. He further submits that the investigation of this case has already been completed and charge-sheet has been submitted. He also submits that the petitioner has been languishing in jail since 21.09.2021 i.e. for about 11 months.

It is also stated in paragraph no. 2 of the petition that the petitioner has never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 of the petition that the petitioner has earlier been made



accused in five other cases, namely, Cr. Case Complaint (P) 1080 of 2020; Cr. Case Complaint (P) 203 of 2020; SC/ST (POA)Act/496 of 2020; Cr. Case Complaint (P) 563 of 2020; and Cr. Case Complaint SC/ST (POA) 62 of 2020.

However, the learned APP for the State opposes the prayer for bail.

Considering the aforesaid facts, and circumstances, particularly the period of custody, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Begusarai, in connection with Bachhwara P.S Case No. 212 of 2021, GR No. 2926 of 2021 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.



(iii) The petitioner 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.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office



objections.

(Jitendra Kumar, J)

uttam/-

U		T	
---	--	---	--

