

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24650 of 2022

Arising Out of PS. Case No.-48 Year-2016 Thana- NOKHA District- Rohtas

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Sheo Mohan Giri @ Shiv Mohan Giri @ Mohan Giri Son Of Mahendra Giri
Resident Of Village - Baraicha , P.O.- Padariya, P.S.- Baghaila, Distt.- Rohtas.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Advocate

For the Opposite Party/s : Mr.Kumar Veerendra Narayan, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 08-08-2022 Let the defect(s), as pointed out by the office, if any,

within a period of four weeks from today.

Heard Mr. Kuber Pathak, learned counsel for the
petitioner as well as learned Additional Public Prosecutor for the
State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Nokha P. S. Case No. 48 of 2016
registered for the offence punishable under section 406, 420, 34
of the Indian Penal Code.

As per the prosecution case, it is alleged that on
16.04.2014 the complainant as well as informant Anita Devi
had opened an Account in SBI, Garahak Sevak Kendra and
deposited Rs.1000/- and thereafter, on another day she deposited



Rs. 40,000/- in the said account however, after 6 to 7 months, the said amount was not found credited in her account and whereupon she went to the Bank and found that the bank was locked and Manager and other staff were also not present there, after that this F.I.R has been instituted.

The learned counsel appearing on behalf of the petitioner submits that the petitioner is not named in the F.I.R and the specific accusation is made against co-accused Kaushal Kumar and Krishna Mohan Giri, who happens to be the Manager and cashier. It is further submitted that against whom specific accusation has been made, has already been granted bail by co-ordinate Bench of this Court in Cr. Misc. No. 61990 of 2021 vide order dated 04.04.2022 and the petitioner is in custody since 25.06.2021.

On the other hand, learned counsel for the state opposed the bail application and submits that petitioner has found involved in two another cases.

Having regard to the submissions made on behalf of the parties and considering the fact that co-accused Kaushal Kumar, who is named in the FIR with specific accusation, has already been granted bail by learned co-ordinate Bench of this Court and the petitioner is in custody since 25.06.2020, let the



petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate- V, Sasaram in connection with Nokha P. S. Case No. 48 of 2016, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.
- (v) 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 cancelling 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.

(Harish Kumar, J)

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