

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34499 of 2021

Arising Out of PS. Case No.-21 Year-2020 Thana- MAJHAULIA District- West Champaran

BRAJESH SRIVASTAVA @ CHUNNU SRIVASTAVA @ CHUNNU
PRASAD SRIVASTAVA @ BRAJESH KISHOR SRIVASTAVA SON OF
LATE SATYADEV SRIVASTAVA R/o Majharia Sheikh, Kachhari Tola,
Police Station- Majhauria and District- West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Verma, Adv.

For the Opposite Party/s : Mr. Renuka Ratnakar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 09-03-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Majhauria
P.S. Case No. 21 of 2020 registered for the offence under Sections
406, 420, 385, 504 and 34 of the Indian Penal Code.

The petitioner is said to have taken Rs. 1,55,000/- from
the informant on the pretext of wrong promise for the purpose of
providing job.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. He further submits that the allegation leveled in the
F.I.R. against the petitioner appears to be civil in nature and the
present F.I.R. has been instituted only to harass the petitioner. No
one has claimed to be the witness of the alleged occurrence, as



narrated in the F.I.R. However, the petitioner is ready to pay the amount in dispute to the informant within twelve equal installments by way of a demand draft in favor of the informant every month and the Demand Draft will be handed over to the informant or the counsel for the informant in the court below. A supplementary affidavit to that effect has also been filed by the petitioner. The petitioner is rotting in judicial custody since 01.02.2021

Learned counsel for the informant also tenders his consent towards submission and the undertaking made on behalf of the petitioner. He along with learned A.P.P. for the State submits that the petitioner carries two more cases other than the present one.

Considering the facts and circumstances of the case and the undertaking given by the petitioner in the supplementary affidavit, let the, above named, petitioner 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 learned C.J.M., Bettiah in connection with Majhaulia P.S. Case No. 21 of 2020 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient



reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

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.

It is made clear that if the petitioner fails to act upon the undertaking, as aforesaid, given by him, the learned counsel for the informant will apprise the Court below and on being so, the learned court below, after verifying the submission and averments of the informant, shall proceed for cancellation of bail of the petitioner.

(Rajesh Kumar Verma, J)

brajesh/-

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

