

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27201 of 2022

Arising Out of PS. Case No.-280 Year-2021 Thana- SONBERSA District- Sitamarhi

Mahendra Ray, Son of Late Vilas Rai R/o village - Janki Nagar @ Pipra
Parsain (Tole) Jankinagar, P.S.- Sonbarsa, Dist.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 31-08-2022 Heard learned counsel for the petitioner and the
learned APP for the State.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection
with Sonbarsa P.S. Case No.280/2021 instituted under Sections
467,468,471,420/34 of the IPC.

As per allegation in the FIR, it is alleged that one
person submitted withdrawal form of Rs.17,000/- with thumb
impression which was found to be forged and upon inquiry, he
gave his name as Mahendra Ray (petitioner herein) who
informed that he was sent by one Krishnakant Kumar.
Accordingly, he was taken into custody and the FIR was lodged.

Learned counsel for the petitioner submits that he had
nothing to do with the matter and he was requested by co-



accused Krishnakant Kumar to submit the withdrawal form which he genuinely accepted on the greed as Krishnakant Kumar had assured him of paying Rs.500/- after the said withdrawal is done. He submits that he has already suffered by being in custody since 12.10.2021 despite the fact that he has no criminal antecedent.

Considering the aforesaid fact that he is in custody since 12.10.2021 as also that he has no criminal antecedent and the charge-sheet stands submitted, this Court is inclined to grant him privilege of bail. However, if it is found that he do have criminal antecedent, this bail order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Sonbarsa P.S. Case No.280/2021 to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his



bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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