

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31423 of 2022

Arising Out of PS. Case No.-42 Year-2018 Thana- KUDHNI District- Muzaffarpur

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Awhdesh Kumar @AWHDESH Kumar Singh Son Of Anand Kishore Singh
Resident Of Village- Tengrari, P.S.- Siwaipatti, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Shankar Das, Adv.

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 06-12-2022 Learned counsel for the petitioner submits that due to inadvertence, the name of petitioner has wrongly been typed in the petition. He prays to remove the said defects in course of the day.

Permission granted.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with Kurhani (Turki O.P.) P.S. Case No. 42 of 2018 lodged under Sections 409/420 of the I.P.C.

As per the prosecution case, the petitioner has not completed the work of the Government as per the norms and for that he received the advance payment of Rs. 23,50,000/- which has to be adjusted.

Learned counsel for the petitioner submits that as per the F.I.R., it is a case where advance money has been taken but the said amount has to be adjusted with the work done which is yet to be taken. Counsel for the petitioner submits that until and unless the petitioner shall not come out from the custody, it is quite impossible that it is almost very much difficult to present all the documents before the authority concerned. Counsel submits that petitioner is in custody since 09.03.2022 and his antecedent is clean and he is always ready to show entire detail accounts to the authority concerned.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. Ist Muzaffarpur West in connection with Kurhani (Turki O.P.) P.S. Case No. 42 of 2018, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of

his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

The petitioner shall submit all the documents before the Trial Court about adjustment of his account or work done and shall with this certificate issued by the authority of work done or about payment of rest money before the concerned authority within 3 months from the date of his release. Upon deposit of the entire documents, the Trial Court being satisfied shall confirm his bail bond and if not then Trial Court is free to cancel his bail bond as a case may be.

With this observation, the bail application stands disposed off.

(Dr. Anshuman, J.)

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