

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40852 of 2021**

Arising Out of PS. Case No.-697 Year-2016 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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MITHILESH SINGH @ MITHILESH GUPTA @ SHREE MITHILESH
SINGH Son of Brahamdeo Singh Resident of Village and Post office - Hario,
Police Station - Bihpur, District - Bhagalpur.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. The Vigilance Investigation Bureau, Bhagalpur Range, Bhagalpur, Head
office, Patna. Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Shanker Pankaj, Advocate
For the Opposite Party/s : Mr. Ajay Mishra, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 19-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

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

Petitioner who is in custody since 15.03.2021 seeks
regular bail in connection with Kotwali (Adampur) P.S. Case
No. 697 of 2016 corresponding to G.R. No. 4232 of 2016
registered for offences punishable under Sections 409, 420, 467,
468, 471 and 120B of the Indian Penal Code.

Prosecution case in brief is that petitioner has
obtained appointment as Panchayat Teacher on the basis of



forged document and on enquiry the documents were found to be forged.

Learned counsel appearing on behalf of the petitioner submits that the petitioner had moved before this Court vide Cr. Misc. No. 9962 of 2019 in which he has been granted pre-arrest bail vide order dated 25.04.2019 on the condition that he shall be released on provisional bail for a period of twelve months if he returns the entire Government money which he has received during service period however, the petitioner could not abide and he was apprehended on 15.03.2021. He further submits that the petitioner is ready to abide by the order of this Court passed in Cr. Misc. No. 9962 of 2019 subject to any conditions imposed by this Court and he is also ready to deposit the cost as he has defaulted and has not complied with the order dated 25.04.2019.

Learned A.P.P., however, opposes the prayer for bail.

Considering the facts and circumstances of the case and the petitioner has already been dismissed from the service, the petitioner above named is directed to be enlarged on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Kotwali (Adampur) P.S. Case No. 697 of 2016



corresponding to G.R. No. 4232 of 2016 with a condition that he will furnish a cost of Rs. 50,000/- (Fifty Thousand) along with the entire amount which he has received during the period before his dismissal in the treasury within a period of 12 months and furnish the detail of such deposit before the Court below within the said period and if there is default, the bail bond of the petitioner shall be cancelled. The other conditions are as follows:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(Purnendu Singh, J)

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