

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36060 of 2022

Arising Out of PS. Case No.-146 Year-2021 Thana- DINARA District- Rohtas

Awadhesh Singh S/o Late Dudhnath Singh Resident of Village- Helha, P.S.-
Dinara, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shankar Kumar, Adv.

For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 20-09-2022 Let the defect(s), if any, be removed within two
weeks from today.

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

The petitioner seeks regular bail in connection with
Dinara P.S. Case No. 146 of 2021 lodged under Sections 406,
409 of the I.P.C.

As per the prosecution case, the allegation against the
petitioner is that he has taken in total Rs. 18,24,900/- but work
has not been completed till date itself due to this reason the
F.I.R. has been lodged.

Learned counsel for the petitioner submits that he is
categorically stated in para 10 and 11 of the petition that total
work of Rs. 15,66,846/- has been completed on 05.03.2022. He

further submits that still he has Rs. 2,58,054/- in his hand. He undertake to deposit the said amount that is, Rs. 2, 58,054/- to the officials of Nal Jal Yojana / BDO as the case may be. The petitioner is in custody since 25.03.2022 having clean antecedent, charge sheet has already been filed in this case. Learned counsel further submits that as soon as he shall be released, he shall deposit the said amount within 30 days from the date of his release to the BDO office Kochas District and Sessions Judge, Rohtas or any appropriate authority as the case may be.

Learned counsel for the State opposes the prayer for bail and submits that his bail may be confirmed only after deposit of said amount.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted interim bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties with condition that he shall deposit the demand draft of Rs. 2,58,054/- in the Government coffer within 30 days from the date of his release. The official who will accept the amount shall provide receiving and upon production of such receiving the trial court is directed to confirm his bail bond.

Confirmation of bail bond shall be subject to fulfill

the condition of 437(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 deposit of the amount may not prejudice the case of the petitioner on his own merit.

With this observation, the bail application stands disposed off.

(Dr. Anshuman, J)

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