

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39304 of 2022

Arising Out of PS. Case No.-54 Year-2021 Thana- BAHERI District- Darbhanga

Shambhu Kumar Son Of Ram Narayan Mandal R/O Village- Banglagadh Lal Bag, P.S.- Muffasil, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjit Kumar Yadav, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 06-12-2022 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within a period of four weeks from today.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 409, 420/34 of the Indian Penal Code.

According to prosecution case as per F.I.R. is that the money which was due to one of the beneficiaries, namely, Nunu Mukhiya under the Pradhan Mantri Awas Yojna was maliciously and fraudulently credited in the bank account of the petitioner. For this, forgery had been committed. Apart from such money being transmitted in the bank account of the petitioner, the same was also credited in the bank accounts of the father and nephew respectively.



Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that no case is made out under Section 409, 420 of IPC against the petitioner and petitioner has no concern at all in the present occurrence. He further submits that beneficiaries have return back the amount in question to Block Treasury and it has come during investigation also that the beneficiaries have returned the amount in question. He further submits that co-accused namely, Shashi Kumar Singh has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 25.10.2021 passed in Cr. Misc. No. 43521 of 2021 and the case of the petitioner is similar footing.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of his arrest or surrender within a period of four weeks, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Baheri P.S. Case No. 54 of 2021,



subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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.

(Rajesh Kumar Verma, J)

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