

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49044 of 2021

Arising Out of PS. Case No.-214 Year-2021 Thana- PURNEA SADAR District- Purnia

SURAJ KUMAR MAHTO @ SURAJ MAHTO Son of Bablu Mahto R/O
Village- Gariban Tola, (Bageshwari Asthan) Gulabbagh Hansda, P.S. - Sadar,
District - Purnea.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Bidhu Ranjan
For the Opposite Party/s : Mr.Harendra Prasad

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 18-01-2022 Let the defects, if any, be removed within four weeks
of the complete start of the Physical Court.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State in virtual
Court proceeding.

Petitioner seeks bail in a case registered in
connection with Sadar P. S Case No. 214 of 2021 for the
offences punishable under Section 406, 419, 420, 467, 409,
468/34 of the Indian Penal Code.

As per prosecution case, informant (Aditya Raj)
doing business of purchase and sale of food grains. It is a case
of defalcation of money in lieu of purchasing of maize.

Learned counsel for the petitioner submits that



petitioner has clean antecedent and has been falsely implicated in this case. Learned counsel for the petitioner Mr. N.K Agrawal, Senior Advocate has submitted that petitioner is ready to deposit Rs. 5 lacs in the account of the informant subject to result of the case filed before the court below. Petitioner is in custody since 29.04.2021.

Learned counsel for the informant as well as State has no objection.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in connection with Sadar P.S. Case No. 214 of 2021, subject to the following conditions;-

1. The petitioner shall deposit Rs. 5,00,000/- (Rs Five lakh) in the account of the informant within one month from the date of release. In case the petitioner does not deposit the same within the stipulated period, the informant has liberty to move for cancellation of bail of the petitioner before the court below itself.

2. 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

3. If the petitioner tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

4. 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 petitioners have concealed their 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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