

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61481 of 2021

Arising Out of PS. Case No.-259 Year-2021 Thana- PATORI District- Samastipur

MITHLESH KUMAR Son of Sri Harendra Bhagat Resident of Village -
Rashalpur Habib, P.s.- Deshari, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vaishnavi Singh, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 13-05-2022 Heard learned Senior counsel for the petitioner and Mr.
Jitendra Kumar Singh, learned APP for the State through video
conferencing in view of the COVID -19.

Let the defect(s), if any, be removed within four weeks.

The matter arises out of Sahpur Patori P.S. Case No. 259
of 2021 registered under Sections 406, 409, 420, 467, 468 and
471/34 of the Indian Penal Code.

As per the prosecution case, the informant alleged that
his sister Pratibha Kumari has an account in Punjab National Bank
where she went to deposit Rs. 10,000/- and the cashier Santosh
Kumar gave a token having received the amount. However, when on
15.07.2021 they went to the Bank for updating the pass book, it was
found that the money has not been deposited. Upon query, it is
alleged that the Bank Officials failed to cooperate them and instead
threatened them. The informant alleges that the cashier, Santosh
Kumar and his brother Mithlesh Kumar, the petitioner here in were



also present and they indulged in misappropriating the amount of the general people by doing that. He alleged that in the process, his sister has been duped up Rs. 10,000/-

A supplementary affidavit has been filed by the petitioner in which it has been stated that without accepting the guilt and/or the charges that have been levelled against him, he is ready to pay the amount in question (Rs. 10,000/-) in favour of the lady, whose amount has been alleged to be misappropriated through bank draft or demand draft. This will be the subject to the final outcome of the trial which is pending before the learned Court below.

Taking into account the aforesaid stands taken by the petitioner as also the fact that he is in jail since 16.07.2021 (as stated in paragraph -14 of the bail application) and charge sheet has already been submitted, this Court is inclined to grant him the privilege of bail.

If the petitioner submits a demand draft of Rs. 10000/- (Rs. Ten Thousand only) issued by the State Bank of India in favour of the victim lady, he shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 1st Class, Samastipur in connection with Shahpur Patori P.S. Case No. 259 of 2021, subject to the following conditions :-

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her



bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

The demand draft will be handed over to the victim lady. However, this will be subject to the final outcome of the trial which is pending before the learned Court below.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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