

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52641 of 2022

Arising Out of PS. Case No.-259 Year-2022 Thana- DARIYAPUR District- Saran

CHHOTE LAL RAI SON OF SURESH RAI R/O VILLAGE- AKILPUR,
P.S.- DARIYAPUR, DISTRICT- SARAN

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Singh

For the Opposite Party/s : Ms.Rina Sinha

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-12-2022 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

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

The petitioner seeks bail in connection with Dariyapur P.S. Case No. 259 of 2022 registered for the offences punishable under Sections 379, 406, 420 of the Indian Penal Code.

As per prosecution case, informant's mobile as well as Rs. 9000/- was taken away by some unknown person and later on, it is found that a message has been received from



Phonepe App that Rs. 28,184/- was transferred in the account of the petitioner from the account of informant.

Learned counsel for the petitioner submits that petitioner is in custody since 17.05.2022 and bears criminal antecedent of two cases in which he is on bail. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that Rs. 28,184/- was credited in the account of the petitioner but he had no knowledge regarding the sender of said amount. Basically nothing has been recovered from possession of the petitioner. He further submits that Rs. 28,184/- was transferred in the account of the petitioner from the account of informant with the help of mobile set of informant having facility of Paytm. Learned counsel for the petitioner at para 13 of the bail petition specifically mentioned that petitioner undertakes to refund the money in the account of informant within three months from the date of his release from custody. He further submits that no purpose would be served in keeping the petitioner behind the bar.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the



case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, petitioner is ready to pay the amount in question to the informant showing his positive attitude, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.- XIII, Saran, Chhapra in connection with Dariyapur P.S. Case No. 259 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(iv) The petitioner shall abide by declaration as



mentioned at para 13 of the bail petition with regard to make
payment of Rs. 28,184/- to the informant.

(Alok Kumar Pandey, J)

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