

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65703 of 2021**

Arising Out of PS. Case No.-79 Year-2021 Thana- SIDHWALIYA District-
Gopalganj

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Mahtab Alam Son of Abdul Jalil @ Jalil Rai Resident of Village- Ladauli
(Bishunpura Paithan Tola), P.S.- Sidhwalia, District- Gopalganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Bijay Bhushan Prasad, Advocate
For the State : Mr. Parmeshwar Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

3 04-04-2022 The applicant has claimed out of turn hearing on the

ground of serious illness of his wife, which fact is not disputed by

the other side.

The applicant is an accused in Crime No. 79 of 2021
registered with Police Station-Sidhwalia for the offences
punishable under Sections 406, 409 and 420 of the Indian Penal
Code. By this application, he is seeking his release on bail during
pendency of the trial.

Heard both sides.

It is argued by the learned Additional Public
Prosecutor that despite receiving the amount for the work to be
done, the applicant had taken away all the material brought on
the site for effecting the work.

I have considered the submission so advanced.



According to the case of the prosecution, for effecting the work of “*Nal Jal Yojna*”, the applicant has received an amount of Rs. 10,00,000/-. It is alleged by the ward member who happens to be the first informant that instead of doing the work the applicant had taken away the material from the site.

The investigation of the subject crime is over. The dispute appears to be civil in nature as according to the version of the applicant he had affected work of more than Rs. 10,00,000/- on the site. In this view of the matter further pretrial detention of the applicant is not warranted and therefore, the following orders:

(i) The application is allowed.

(ii) The applicant/accused in Crime No. 79 of 2021 registered with Police Station-Sidhwalia for the offences punishable under Sections 406, 409 and 420 of the Indian Penal Code, be released on bail on executing P.R. bond of Rs. 10,000/- (Rupees Ten Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions :

(I) The applicant/accused should not extend any threat, promise or inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any



police officer.

(II) The applicant should cooperate the trial in expeditious disposal of the trial against him.

(III) The applicant should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

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