

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67169 of 2021**

Arising Out of PS. Case No.-274 Year-2020 Thana- BIKRAM District- Patna

DEEPAK KUMAR @ HARENDRA YADAV @ BAISKI S/o Naresh Yadav
@ Naresh Prasad Resident of Village- Ajaypur, P.S.- Noorsarai, District-
Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binit Kumar, Advocate

For the Opposite Party/s : Md. Aslam Ansari, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

5 05-07-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Bikram
P.S. Case No. 274 of 2020 registered for the offence under
Sections 406 and 420 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 23.07.2021.

The allegation against the petitioner is of criminal
breach of trust and also of cheating being an employee of the
informant/company, where, cash of Rs. 2,34,600/- collected
from different persons was not deposited with the informant by



the petitioner.

Learned counsel appearing on behalf of the petitioner submitted that none of the depositors as alleged were examined, during course of investigation of this case, for which, charge-sheet has been submitted, suggesting only that implication is purely mala-fide and with ulterior motives due to differences with informant/company. It has further been submitted that petitioner is involved in 04 cases, in all those cases, he is on bail. It has further been submitted that the petitioner is ready to deposit, half of the alleged amount i.e. Rs. 1,17,300/- of Rs.2,34,600/- in *Nazarat* of court below, subject to outcome of the trial. While concluding the argument, it has been submitted that charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that the petitioner is an employee of the same company, where, informant is working as Territory Manager.

Considering the facts and circumstances as mentioned above, as none of the depositors have examined, during course of investigation coupled with the fact that petitioner is ready to deposit the half of the alleged amount in *Nazarat* of court below, subject to outcome of the case, let the petitioner, above named,



is directed to be released on bail in connection with Bikram P.S. Case No. 274 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. VI, Danapur, Patna, subject to the following conditions:

“(i) That petitioner shall deposit Rs. 1,17,300/- i.e. half of alleged amount before Nazarat of the court below and receipt of the same shall be produced at the time of furnishing bail bond of the petitioner.

(ii) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(iii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iv) That one of the bailors shall be wife of the petitioner.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S. Sen/-

U		T	
---	--	---	--

