

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56135 of 2022

Arising Out of PS. Case No.-327 Year-2022 Thana- MASHRAK District- Saran

ASHA THAKUR Son of Late Chhabila Thakur Resident of Village -
Maharani Pandugi @ Pandohi, P.S.- Mohammadpur, District - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vaishnavi Singh

For the Opposite Party/s : Mr.Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 16-12-2022 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
Mashrakh P.S. Case No. 327 of 2022 registered for the offences
punishable under Sections 420, 406/34 of the Indian Penal
Code.

As per prosecution case, it is alleged that
informant's three lacs rupees have been misappropriated by the
petitioner and others on the pretext of giving gold.

Learned counsel for the petitioner submits that
petitioner is in custody since 05.07.2022. Petitioner bears no
criminal antecedent. Charge sheet has already been submitted in



the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the informant has allegedly come to Bihar one year ago and allegedly went to Motihari where he met this petitioner Asha Thakur but it is strange that entire details of Asha Thakur is given in the written report, this itself goes to show that the informant has not stated the true version or at least this much can be inferred that informant was well acquainted with the petitioner. Learned counsel further submits that as per prosecution case, it is highly improbable that persons who were not known to each other how the amount of Rs. 3 lacs can be given on the pretext of giving gold which falsifies the story of prosecution. Learned counsel further submits that petitioner is a plumber and he used to visit Malaysia and Saudi Arabia with the assistance given by the informant. Informant used to secure availability of passport and in the aforesaid transaction some dispute arose between the petitioner and thereafter Covid-19 started and after the said epidemic was over the informant again came to the house of petitioner for settling those dues and dispute and after refusal, informant lodged the present false case.

The learned A.P.P. for the State vehemently



opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, keeping in view clean antecedent of the petitioner, argument advanced on behalf of the parties 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. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Saran at Chapra in connection with Mashrak P.S. Case No. 327 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.

(Alok Kumar Pandey, J)

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