

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72501 of 2021

Arising Out of PS. Case No.-50 Year-2018 Thana- TILAUTHU District- Rohtas

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Dilip Kumar Pandey @ Dilip Kumar Dubey Son Of Late Shyam Nand Dubey,
Resident of Village - Bhadokhara, P.S.- Tilauthu, Distt.- Rohtas

... .. Petitioner/s

Versus

The State Of Bihar Through District Manager, State Food And Civil Supply
Corporation, Kaimur At Bhabua, Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shri Prakash Tiwari, Advocate

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

5 17-10-2022 Let the defect(s), if any, be removed within two weeks
from today.

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

The petitioner seeks regular bail in connection with
Tilauthu P.S. Case No. 50 of 2018 lodged under Sections 406,
409 and 420/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that vide
order dated 25.01.2019 anticipatory bail was granted to the
petitioner by the Co-ordinate Bench of this Court in Cr. Misc.
No. 3728 of 2019 on a condition that he shall deposit the entire
amount i.e. Rs.18,72,400/- by 30.03.2019, which he could not
deposit, in result his bail bond was cancelled and in result he is

in custody.

Learned counsel for the petitioner further submits that due to his illness, he could not deposit the amount, in result his bail bond was cancelled. Learned counsel further submits that by way of filing supplementary affidavit, he is again assuring to this Court that he shall deposit the left alleged defalcated amount of Rs.13,72,400/- (Thirteen Lacs Seventy two Thousand Four Hundred) as he has deposited Rs.5,00,000/- earlier.

Without entering into the merit and in the light of assurance given by him, let the petitioner is directed to be **released on provisional bail** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty Thousand) with two sureties of the like amount each to the satisfaction of Miss Swati Singh, JMFC, Gaya in connection with Tilauthu P.S. Case No. 50 of 2018, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall

file an affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

It is specifically directed to the Trial Court that if the petitioner shall deposit the entire amount Rs.13,72,400/- within 6 months and deposit the receipt before the court, then only his bail bond shall be confirmed, otherwise the provisional bail granted by this Court, shall be cancelled.

With this observation, the bail application stands disposed off.

(Dr. Anshuman, J.)

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