

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71548 of 2021

Arising Out of PS. Case No.-61 Year-2021 Thana- SIMRI District- Darbhanga

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Baijnath Das Son of Raghuvar Das Resident of village - Simri, P.S.- Simri,
District – Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Priyanka Singh, Adv.
For the Opposite Party/s : Mr. Dr. Ajeet Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

5 18-10-2022 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
Simri P.S. Case No. 61 of 2021 lodged under Sections 419, 420,
467, 468, 120(B) of the I.P.C.

As per the prosecution case, the informant has stated
that in the name of providing services in the Government
department, the petitioner in connivance with other accused
persons have taken money from the informant and other
persons.

Learned counsel for the petitioner submits that

petitioner is innocent and has committed no offence. He submits that it is categorically stated that he has only visited with the informant and others at the house of accused K.K. Sharma to whom the payment was made. Learned counsel for the petitioner submits that the petitioner is a man of clean antecedent. He has basically provided help to the informant and others who were interested in job. Though it is an illegal work but he himself has not involved in commission of such act.

Learned counsel for the petitioner further submits that petitioner is in custody since 21.02.2021, charge sheet has already been filed in this case. He also submits that out of 4 accused persons, 2 co-accused have been granted bail by the Co-ordinate Bench of this Court vide order dated 14.07.2022 and 21.07.2022 passed in Cr. Misc. No. 52385 of 2021 and Cr. Misc. No. 70334 of 2021.

Learned counsel for the State opposes the prayer for bail and submits that though in the F.I.R., there is no allegation that petitioner has taken money but he is co-accused and entitled to face the trial.

Learned counsel for the petitioner also submits that he is ready to appear before the trial physically on day to day basis so that in no case, there shall be delay in trial due to his action.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M 4th , Darbhanga in connection with Simri P.S. Case No. 61 of 2021, 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 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.

The Trial Court/ Lower Court is directed to cancel the

bail of the petitioner in case, the Court is of the opinion that
petitioner is not supporting in the trial.

With this observation, the bail application stands
allowed.

(Dr. Anshuman, J.)

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