

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11127 of 2023

Arising Out of PS. Case No.-569 Year-2022 Thana- GORAUL District- Vaishali

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MUKESH KUMAR S/O SITA RAM SINGH R/v- Muriyaro, P.S.- Angarghat,
District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Sr. Adv. Mr. Vaishnavi Singh, Adv.
For the Opposite Party/s	:	Mr. Lalan Kumar, APP
For the Informant	:	Mr. Anirudh Kumar Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 24-06-2023 Heard Mr. Ajay Kumar Thakur, learned Senior
counsel for the petitioner, Mr. Anirudh Kumar Sinha, learned
counsel for the informant and Mr. Lalan Kumar, learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
14.12.2022 in connection with Goraul (Katahra O.P.) P.S. Case
No.569/2022, F.I.R. dated 13.12.2022, for the offences
punishable under Sections 406, 409, 420 of the Indian Penal
Code.

According to prosecution case, the petitioner, being
the staff of the informant is alleged to have cheated the
informant by committing breach of trust and misappropriated
the fund to the tune of Rs. 18,93,215/-.



Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that it appears from the F.I.R. that the petitioner has embezzled the amount of Rs. 18,93,215/- and sell the cement in question to other persons and not deposited the amount with the informant. Learned counsel for the petitioner further submits that how can it possible that without the consent of the owner of the shop, in question, the petitioner can sell the cement to other persons to the tune of Rs. 18,93,215/-. Learned counsel for the petitioner further placed the letter dated 01.07.2021 of the informant, which shows that the petitioner has received Rs. 15000/- per month as a staff of the shop in question. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 14.12.2022.

Learned counsel for the informant as well as learned Additional Public Prosecutor for the State on the other hand vehemently opposed the prayer for bail of the petitioner and submits that the petitioner has given an undertaking in Stamp



paper that he is responsible for the dues amount in question.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail, after framing of charge, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Vaishali at Hajipur in connection with Goraul (Katahra O.P.) P.S. Case No.569/2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order



shall not be delayed for purpose of or in the name of
verification.

(Rajesh Kumar Verma, J)

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