

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12126 of 2023

Arising Out of PS. Case No.-299 Year-2022 Thana- SHEKHPURA District- Sheikhpura

Bala Bihari @ Laleshwar Kumar Son of Viro Vind Resident of Village-
Kusmaha, Beldari Tola, P.S.- Sheikhpura, District- Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Roop Kishan, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 24-06-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
12.12.2022, in connection with Sheikhpura P.S. Case No. 299 of
2022, F.I.R. dated 31.05.2022 registered for the offences
punishable under Sections 419, 420, 467, 468, 471 of the Indian
Penal Code.

As per the prosecution case, a person came to the
UCO Bank for taking information about his account as a lot of
money was being transferred from and to his account. On
enquiry, the said person told his name as Md. Manobar. He also
disclosed that the co-accused Bala Bihar has opened 4-5
accounts in different banks by using the petitioner's name and
has kept his passbooks and ATM cards and has also told that he



would give him money in return. The co-accused defrauds innocent persons and take money from them in the petitioner's account and upon withdrawal gives him Rs. 5,000/-.

Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case on the basis of disclosure made by co-accused person namely Md. Manobar. He further submits that nothing has been recovered from the conscious possession or the house of the petitioner and 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 except the confessional statement of co-accused person namely Md. Manobar, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that co-accused namely Md. Manobar has been granted bail by a Coordinate Bench of this Court vide order dated 18.10.2022 passed in Cr. Misc. No. 37985 of 2022 and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 12.12.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on



the ground that the petitioner carries one more case other than the present one but fairly submits from paragraph-3 of the petitioner that the petitioner has been acquitted in the case.

Considering the facts and circumstances of the case, 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 Chief Judicial Magistrate, Sheikhpura in connection with Sheikhpura P.S. Case No. 299 of 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 witness, 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 antecedents, 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)

Ibrar//-

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

