

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10553 of 2023

Arising Out of PS. Case No.-331 Year-2020 Thana- SHEOHAR District- Sheohar

Deepak Paswan Son of Bisheshwar Paswan R/v- Janipur, Farda, P.S.- Naya
Ramnagar, District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
07.08.2022, in connection with Sheohar P.S. Case No. 331 of
2020, F.I.R. dated 18.10.2020 registered for the offences
punishable under Sections 406, 420, 467, 468, 471, 465, 120(B)
of the Indian Penal Code.

The prosecution case, in short, is that the informant
having a bank account in the Central Bank of India. On
13.10.2020 the informant went to the concerned Branch and
while withdrawing amount and updating of his passbook, he
came to know that a sum of Rs. 31,50,236/- has been withdrawn
from his account in fraudulent manner. On inquiry, it has
revealed that some false and forged cheques were issued in name
of informant and the credited amount transferred in the account



of the petitioner and one Vijay Kumar whereas the respective members of original cheques which was issued by the Bank to informant are still in his possession, power and control.

Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that it appears from the F.I.R. that the amount in question was withdrawn from the bank account of the informant. Learned counsel for the petitioner further submits that it appears from the F.I.R. itself that no amount has been credited in the account of the petitioner and the amount in question has been credited in the account of the informant on 16.02.2021 and the petitioner has no concern at all with the present occurrence. He further submits that similarly situated co-accused namely Vijay Kumar has been granted bail by this Court vide order dated 11.04.2022 passed in Cr. Misc. No. 30073 of 2021 and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 07.08.2022.

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 on the basis of paragraph-3 of the petition that the petitioner is on bail.

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, Sheohar in connection with Sheohar P.S. Case No. 331 of 2020, 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)

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