

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10655 of 2023

Arising Out of PS. Case No.-515 Year-2022 Thana- AMARPUR District- Banka

RAJ KUMAR RAY @ RAJU MANDAL Son of Shatrughan Mandal Resident
of Village- Lakshmipur, P.S.- Amarpur, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-06-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Amarpur
P.S. Case No. 515 of 2022 registered for the offence under
Sections 363, 365, 406, 420/34 of the Indian Penal Code.

The petitioner is alleged to have collected Rs.
30,60000/- in collusion of co-accused, Sanjeev Kumar Jha from
the son of the informant and eleven others to secure their
employment in Home Guard and on failure upon the promise, he
refused to return the money.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this 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. He further submits that it appears from the F.I.R. itself that it is the co-accused, Sanjeev Kumar Jha who had executed the agreement on receipt of amount in lieu of providing employment as Home Guard and on default, he had undertaken to return the money to the candidates. He further submits that save and except the association of the petitioner with the co-accused, no cogent material has surfaced in this case against the petitioner showing his involvement in the alleged occurrence. He has not taken even a single rupee from any other candidate nor he played any role in the alleged occurrence. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 20.09.2023.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Amarpur P.S. Case No. 515 of 2022 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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