

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15719 of 2023

Arising Out of PS. Case No.-82 Year-2019 Thana- TEYAR District- Bhojpur

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KISMAT SINGH Son of Hridya Nand Singh Resident of Village - Uttardaha,
P.S.- Tiyar, District - Bhojpur, Ara.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 28-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 30.11.2022, in connection with Tiyar P.S. Case No. 82 of 2019, F.I.R. dated 06.09.2019 registered for the offences punishable under Sections 406, 420, 467, 468, 471 of the Indian Penal Code.

3. According to the prosecution case, petitioner is alleged to have committed embezzlement of Rs. 15,00,000/- as BC correspondent from the accounts of the customers of the Bank.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and as



per F.I.R. the estimated amount embezzled by the petitioner is Rs. 15,00,000/-. Learned counsel for the petitioner submits that it has come during investigation that the petitioner has taken the amount of the different persons totalling Rs. 1,72,500/- only and learned counsel for the petitioner outrightly submits that the petitioner is ready to deposit Rs. 1,72,500/- by way of demand draft at the time of furnishing bail bond and if it comes during investigation that the petitioner has received more amount from the other persons, he shall have to deposit the same. The petitioner is in custody since 30.11.2022.

5. The learned Additional Public Prosecutor for the State has no objection in this regard.

6. 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 Additional Chief Judicial Magistrate-XII, Bhojpur, Ara in connection with Tiya P.S. Case No. 82 of 2019, subject to the following conditions :-

(i) The petitioner shall deposit a sum of Rs. 1,72,500/- by way of demand draft in favour of Branch Manager of Baroda, Jagdishpur Branch, District- Bhojpur at the



time of furnishing his bail bond before the Court below. The learned Court below is directed to hand over the aforesaid demand draft to the informant or his representative.

(ii) 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.

(iii) 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.

(iv) 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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