

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20523 of 2022

Arising Out of PS. Case No.-270 Year-2021 Thana- PIRPAINTI District- Bhagalpur

Kundan Kumar S/O Brahmdeo Prasad Yadav R/o Village- Adsi, P.O.-
Parshurampur, P.S.- Pirpaiti, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 20217 of 2022

Arising Out of PS. Case No.-270 Year-2021 Thana- PIRPAINTI District- Bhagalpur

Nitish Kumar Yadav @ Nitesh Kumar Yadav S/o Bhola Yadav @ Vinod
Kumar Yadav Resident of Village- Pasahichak, P.S.- Ishepur Barahat, District-
Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 20523 of 2022)

For the Petitioner/s : Mrs. Shweta Kumari, Advocate

For the Opposite Party/s : Mr. Ramchandra Sahni, APP

(In CRIMINAL MISCELLANEOUS No. 20217 of 2022)

For the Petitioner/s : Dr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

7 15-02-2023 Learned counsel for the petitioners is permitted to
remove the defects, as pointed out by the office, if any, within a
period of four weeks from today.

Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners seek bail in a case registered for the



offences punishable under Sections 408, 409, 381, 420, 120B/34 of the Indian Penal Code.

Allegation against the petitioners is of embezzlement of Government money of about Rs. 40 lakhs.

Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely implicated in the present case. Learned counsel for the petitioner namely Kundan Kumar out rightly submits that the petitioner is ready to pay Rs. 15,00,000/- in three equal instalments and learned counsel for the petitioner, namely, Nitish Kumar Yadav @ Nitesh Kumar Yadav submits that nothing has been recovered from the conscious possession of the petitioner and the name of the petitioner namely Nitish Kumar Yadav @ Nitesh Kumar Yadav has come on the basis of the confessional statement of co-accused Kundan Kumar and the police after investigation submitted chargesheet against the petitioners and the petitioner namely Kundan Kumar is in custody since 25.11.2021 and other petitioner namely Nitish Kumar Yadav @ Nitesh Kumar Yadav is in custody since 30.11.2021.

Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case,



let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Pirpainti P.S. Case No. 270 of 2021, subject to the following conditions :-

(1) The petitioner namely Kundan Kumar shall deposit a demand draft of Rs. 5,00,000/- in favour of the IFFCO and the same be handed over to him at the time of furnishing bail bond and rest amount of Rs. 10,00,000/- shall be paid within a period of two months in equal installments and if the aforesaid rest amount shall not be deposited within the stipulated period, the bail bond of the petitioner shall be automatically cancelled.

(2) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(3) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move



for cancellation of bail.

(4) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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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