

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21382 of 2023

Arising Out of PS. Case No.-664 Year-2020 Thana- SARAIYA District- Muzaffarpur

RAJESH KUMAR S/O CHANDESHWAR RAM Resident of Village-
Kamalpura, P.S.- Paroo, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pranav Kumar, Advocate Mr. Rajeev Ranjan No.II, Advocate Mr. Priyanka Kumari, Advocate Mr. Bhuneshwar Kumar Mahto, Advocate
For the Opposite Party/s	:	Mr. Atul Chandra, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 22-05-2023 Heard learned counsel for the petitioner and learned A.P.P
for the State.

2. The petitioner seeks bail in connection with Saraiya P.S. Case No. 664 of 2020 dated 06.10.2020 registered for the offence punishable under Sections 420, 406 and later on Section 392 was added of the Indian Penal Code.

3. As per F.I.R., two F.I.R. named accused persons committed misappropriation of company's fund.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that petitioner has not been named in the F.I.R.. The petitioner has been made accused in this case on the



basis of confessional statement of Shiv Kumar @ Shiva who has been granted bail *vide* Criminal Miscellaneous No. 71917 of 2021 by a co-ordinate Bench of this Court. It is next submitted that nothing has been recovered from the possession of the petitioner and no T.I.P. has been conducted till now. Lastly, it has been submitted that the petitioner is in custody since 17.07.2021, having five cases against him and charge-sheet has been submitted in the case.

5. Learned A.P.P for the State opposes the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. IV (West), Muzaffarpur in connection with Saraiya P.S. Case No. 664 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation,



preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. 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.

(Khatim Reza, J)

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