

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34829 of 2021

Arising Out of PS. Case No.-54 Year-2020 Thana- AAYAR District- Bhojpur

SATISH KUMAR S/O LATE BRIJ BUHARI SINGH R/o village- 804,
Moryapuri, Anaith (as per FIR Mayapuri), P.O.- Anaith, Ara P.S.- Ara
Nawada, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rudra Deo, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 09-10-2023 Heard Mr.Rudra Deo, learned counsel for the

petitioner, Mr. Ved Prakash Srivastava, learned counsel for the

informant and Mr.Lalan Kumar, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Ayer P.S.Case No. 54 of 2020, FIR dated
01.06.2020 registered for the offences punishable under
Sections 409,420,120(b),485,34 of IPC.

3. The prosecution case, in short, is that the informant
alleged that co-accused Uttam Kumar had transferred a sum of
Rs.5,68,276 in the account of the petitioner who was business
correspondence of the Bank of the Informant, the petitioner has
withdrawn said transferred money by co-accused Uttam Kumar.



4. Learned counsel for the petitioner submits that petitioner has clean antecedent. He has falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. Further submits that in fact the co-accused, namely, Uttam Kumar had defalcated the amount in question from the Bank in question and said Uttam Kumar had also transferred a sum of Rs.5,68,276/-in the account of the petitioner.

5. Learned counsel for the petitioner outrightly submits that the petitioner is ready to deposit the entire amount i.e. Rs.5,68,276/- which was transferred in his account, for this effect, he has filed a supplementary affidavit.

6. Learned counsel for the informant and learned APP for the State, on the other hand, have vehemently opposed the prayer for anticipatory bail of the petitioner and submits that the petitioner is beneficiary of the amount in question.

7. Considering the aforesaid facts, petitioner is ready to deposit the entire amount i.e. Rs.5,68,276/- which was transferred in his account, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 A.C.J.M.-7, Bhojpur, Ara in connection with Ayer P.S.Case No. 54 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) At the time of furnishing bail bond, the petitioner shall deposit the entire amount of Rs.5,68,276/- by way of demand draft in favour of the State Bank of India and the learned court below is directed to hand over the said 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/her absence on two consecutive dates without sufficient reason, his/her bail bonds shall be cancelled by the Court below.

(III) If the petitioner tamper with the evidence or the witnesses, 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/her



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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