

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29522 of 2023

Arising Out of PS. Case No.-268 Year-2021 Thana- BAKHARI District- Begusarai

TINKU PODDAR @ ATISH KUMAR @ ATISH Son of Mukesh Poddar
Resident of village - Sakarpura, P.S. - Bakhri, Distt. - Begusarai

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Priyanka Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 02-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is in judicial custody in connection with Bakhri P.S. Case No. 268 of 2021 registered under Sections 406 and 420 of the Indian Penal Code lodged on 18.09.2021 by the informant, Mamta Devi.

The informant, a helpless lady, has alleged in the FIR that her hard earned money, Rs. 12 lakhs was withdrawn fraudulently by the accused persons and in view of the fact that her mobile was off, she never got the message of withdrawal. She as such has alleged that she has become poorer by Rs. 12 lakh for which appropriate steps may be taken. Accordingly, the FIR was lodged against unknown.



Subsequently, during investigation, the name of the petitioner as also accused Rakesh Kumar came up and as per the observation made in the case diary as has been incorporated in the observation of the learned Single Judge, he has also accepted his guilt.

Earlier prayer for bail of the petitioner was rejected vide order dated 09.05.2022 passed in Cr. Misc. No. 35914 of 2022.

A report was called for on the last occasion and the same has been received vide letter no. 118 dated 09.05.2023 according to which the matter has presently been transferred to the Court of Additional Sessions Judge-III, Begusari where the same is pending.

Considering the fact that the trial has not even started, the petitioner has remained in jail since 26.04.2022 (as stated in paragraph-13 of the bail application), this Court is inclined to extend him privilege of bail with strict conditions.

Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge -III, Begusarai in connection with Bakhari P.S. Case No. 268 of 2021 subject to the following conditions:



(i) both the bailors should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month till the conclusion of the trial to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Jagdish/Jyoti/-

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