

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28085 of 2023

Arising Out of PS. Case No.-237 Year-2022 Thana- HATHUA District- Gopalganj

SUJIT KUMAR Son of Late Pradeep Prasad R/o Near Post Office Ratan Chak, P.S.- Hathuwa, District - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha

For the Opposite Party/s : Mr.Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 24-07-2023 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since 11.01.2023 in connection with Hathuwa P.S. Case No. 237 of 2022, F.I.R. dated 23.12.2012 for the offences punishable under Sections 420 and 406 of the Indian Penal Code.

3. According to prosecution case, as per F.I.R. the informant Anamika Kumari the allegation against the petitioner, who is only F.I.R. named accused, is to the effect that petitioner works as an agent in Hathua Post Office and he took Rs.4,00,000/- for fixed deposit two years ago from the informant and when the informant demanded bond papers for the said fixed deposit, then the accused petitioner used to avoid it on one pretext or other pretext and lastly on 14.11.2022 when



he refused to give papers.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and petitioner has not committed any offence as alleged in the F.I.R. He further submits that during investigation it has come that the account number as mentioned in the F.I.R. is does not exist. He further submits that it has come during investigation that the allegation by another person that the petitioner has not deposit the entire amount that has come during investigation the allegation is same with respect to the another person namely Upendra Sharma. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 11.01.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries two criminal antecedent other than the present one, in which he is on bail in both the cases.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail, **after**



framing of charge, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-XIV, Gopalganj in connection with Hathuwa P.S. Case No. 237 of 2022, 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 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.

2. 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.

3. 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 antecedent, 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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