

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 31840 of 2022

Arising Out of PS. Case No.-1317 Year-2018 Thana- AHIYAPUR District- Muzaffarpur

MAHESH KUMAR @ MAHESH SINGH SON OF LATE JAI NARAYAN
SINGH R/O VILLAGE- USTI, POST- BHAGWATPUR, P.S.- PAROO,
DISTRICT- MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 35296 of 2022

Arising Out of PS. Case No.-1317 Year-2018 Thana- AHIYAPUR District- Muzaffarpur

SAVITA DEVI WIFE OF MAHESH KUMAR @ MAHESH SINGH
Resident of Village- Usti, Post- Bhagwatpur, P.S.- Paroo, District-
Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 31840 of 2022)

For the Petitioner/s : Mr.Pravin Kumar

For the State : Mr.Md. Fahimuddin

(In CRIMINAL MISCELLANEOUS No. 35296 of 2022)

For the Petitioner/s : Mr. Ajay Kumar Thakur

Mrs.Vaishnavi Singh

For the Opposite Party/s : Mr.Roshan Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 09-01-2023

Heard learned counsel for the parties.

Learned counsel for the petitioners filed a counter-
affidavit in the court today.

Let it be kept on the record.

As both these bail applications have cropped up from



the same police station case number, hence, with consent of parties, they are being heard together and disposed of by this common order.

Heard the parties.

Learned counsel for the petitioners undertakes to remove the defects within three weeks.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 406, 420, 506 and 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. He submits that the matter is related to the settlement of amount between the parties in which they have entered into the business in some point of time. He submits that the brother of the informant who after the dissolution of the partnership was making transactions and withdrawing money from the Inudsind Bank which was completely unethical and illegal. He further submits that petitioner in Cr. Misc No.31840/2022 have got three criminal antecedents and petitioner in Cr. Misc. No. 35296/2022 have got five criminal antecedents as stated in para-3 of this application.

Learned APP for the State as well as learned counsel



for the opposite party no.2 opposes the prayer for bail and submits that the allegations levelled against the petitioner are serious in nature, hence he does not deserve anticipatory bail.

Considering the facts and circumstances of the case and the fact that the matter is related to the settlement of amount between the parties in the business transaction, let the above named petitioners in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Ahiyapur P.S. Case No. 1317/2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. and further conditions:

(1) that one of the bailors will be a close relative of the petitioners, who will give an affidavit giving genealogy as to who he is related with the petitioners. He will also undertake to inform the court if there is any change in the address of the petitioners.

(II) that the petitioners will be well represented on each and every date fixed in the case and if they fail to do so on



two consecutive dates their bail bonds shall be liable to be cancelled.

(III) that the petitioners will mark their attendance in the local police station in the first week of every month till conclusion of trial, failing which the prosecution will be at liberty to move cancellation of their bail bond.

(IV) that the bailor shall also stated on affidavit that he will inform the Court concerned if the petitioners are implicated in any other case of similar nature after their release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

(Anjani Kumar Sharan, J)

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