

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41371 of 2022

Arising Out of PS. Case No.-210 Year-2019 Thana- NAWANAGAR District- Buxar

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ARUN KUMAR MISHRA S/O MAYA RAM MISHRA Resident of village-
Dewkali, P.S.- Jagdishpur, District- Amethi (U.P).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amit Anand, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

9 06-04-2023 Heard learned counsel for the petitioner, learned

counsel for the informant and learned Additional Public

Prosecutor for the State.

Petitioner seeks bail, who is in custody since
06.06.2022, in connection with Nawanagar P.S. Case No.
210/2019, F.I.R. dated 24.07.2019, for the offences punishable
under Sections 406, 418, 419, 420, 423, 467, 468, 471, 120(B)
and 34 of the Indian Penal Code.

According to prosecution case, the petitioner along
with his brother and other co-accused persons cheated the
informant and fraudulently took Rs. 26 lac from the informant
after making forged documents.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has falsely been



implicated in the present case. He further submits that during pendency of the bail petition, the petitioner and informant has signed an agreement and as per the agreement, the petitioner has already paid Rs. 5 lac to the informant and he is also ready to pay Rs. 50,000/- per month to the informant and he has already given a post dated cheque in favour of the informant. The petitioner is in custody since 06.06.2022.

The learned counsel for the informant has not disputed the same.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Chief Judicial Magistrate, Buxar, in connection with Nawanagar P.S. Case No. 210/2019, subject to the following conditions:-

1. Learned Trial Court is directed to verify the genuineness of the agreement dated 14.03.2023, which was executed between the petitioner and the informant and if the petitioner will not fulfill the terms and condition of the agreement, the learned Court below shall cancel the bail bond of the petitioner.



2. 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.

3. 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.

4. 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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