

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 49115 of 2022**

Arising Out of PS. Case No.-221 Year-1998 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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BHARAT BHUSHAN PRASAD Son of Late Govind Prasad Yadav Resident
of - Karhat, P.S.- Sahebpur-Kamal, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr Sudhanshu Kumar Lal, Mr Pritish Kumar Lal, Advocates
For the Opposite Party/s :		Mr Rajendra Nath Jha, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 23-01-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for brevity, **APP**) appearing for the
State of Bihar.

The petitioner seeks bail in Town Police Station (for
brevity, **PS**) Case No 221 of 1998 registered for the offence
punishable under Section 409 of Indian Penal Code.

As per allegation, the petitioner, a Junior Engineer at that
point of time, received a sum of Rs 18,000/- in advance as well as
materials alleged to be worth Rs 5,46,732.39 P. Allegation is that the
petitioner has not performed the works and he has been absent since
15.05.1991.

Learned counsel submits that the petitioner is willing to
return the amount of Rs 18,000/-, subject to his right to defence in
the trial, and without accepting his guilt. It is further submitted that
the material was utilized in several works which he has discharged,
which will emerge in trial. He has remained in custody since
05.06.2022 and he has no antecedent.

Learned APP has opposed the prayer for bail.



Having considered the rival submissions, period of custody, and the willingness of the petitioner to deposit the amount, subject to result of the case, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed, subject to deposit of Rs 18,000/- at the time of release through bank draft. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Muzaffarpur in Town PS Case No 221 of 1998 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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