

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57992 of 2023

Arising Out of PS. Case No.-498 Year-2022 Thana- FORBESGANJ District- Araria

Pintu Kumar, Son Of Surendra Mehta Resident Of Village- Tintangi, Ward
No. 13, Police Station- Chhatapur (RAJESHWARI Op), Distt- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prafull Chandra Thakur, Advocate

For the Opposite Party/s : Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 24-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Forbesganj P.S. Case No. 498 of 2022 lodged on 09.05.2022
under Section 392 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that vide
order dated 03.05.2023 passed in Cr. Misc. No. 9848 of 2023,
bail application of the petitioner was rejected. Counsel also
submits that four other similarly situated persons of the same
case having identical criminal antecedent have been granted bail
by the Co-ordinate Bench of this Court vide order dated
29.01.2021 passed in Cr. Misc No. 33935 of 2020; order dated
15.04.2021 passed in Cr. Misc. No. 6453 of 2021; order dated
16.12.2022 passed in Cr. Misc. No. 55421 of 2022 and order



dated 21.07.2023 passed in Cr. Misc. No. 27828 of 2023. Learned counsel for the petitioner submits that petitioner is accused of section 392 of the Indian Penal Code in the present case which is majestrial triable. Counsel for the petitioner also submits that as per his knowledge charge has not been framed. He further submits that the petitioner is in custody since 23.08.2022.

4. Learned APP for the State opposes the prayer for bail of the petitioner.

5. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail **only after framing of charge** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M, Araria in connection with Forbesganj P.S. Case No. 498 of 2022 subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *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 bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

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

(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.

6. However, it is expected that Court shall frame the charge preferably within four weeks.

(Dr. Anshuman, J.)

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