

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56429 of 2023**

Arising Out of PS. Case No.-240 Year-2023 Thana- KOTWALI District-
Patna

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AJAY KUMAR RAUT S/O RUDANI RAM R/O MOHALLA- AMBEDKAR
COLONY SANDALPUR, P.S- SULTANGANJ, DISTT.- PATNA.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Y.C. Verma, Sr. Adv.
	:	Mr. Shashi Shekhar Sharma
For the Opposite Party/s	:	Mr. Sanjay Kumar Tiwary

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 13-12-2023 Heard Mr. Yogesh Chandra Verma, learned senior
counsel for the petitioner and Mr. Sanjay Kumar Tiwary, learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Kotwali P.S. Case No. 240 of 2023 registered for the offence
under Sections 409, 417, 419, and 420 of the Indian Penal Code.

The petitioner being the employee of ESIC has
fraudulently received salary from the Patna Municipal
Corporation during 1993 to 1995.

Learned senior counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been
implicated in this case. He further submits that according to the
F.I.R. the petitioner was the employee of ESIC since 25.11.1993



and he has drawn salary during period 1993 to 1995 from the Patna Municipal Corporation, Bakipore even though he was being paid by his parent department. Learned senior counsel further outrightly submits that the petitioner is ready to return the salary which he allegedly drawn from the Patna Municipal Corporation during the year 1993 to 1995 within a period of three months.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner, in the event of his arrest or surrender before the court below within a period of four weeks, 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 learned Chief Judicial Magistrate, Patna in connection with Kotwali P.S. Case No. 240 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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.

It is made clear that if the petitioner fails to return the alleged amount of salary within a period of three months, as undertaken by him, the learned court below shall proceed against him for cancellation of his bail bonds. Such observation shall not prejudice the trial of the case.

(Rajesh Kumar Verma, J)

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