

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58162 of 2023

Arising Out of PS. Case No.-131 Year-2023 Thana- KUMAR KHAND District- Madhepura

SHIVRAJ KUMAR son of Late Manoj Sah @ Manoj Kumar R/o village-
Chausar W.No-2, P.S- Madhepura Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar Sinha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 14-09-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
18.04.2023 in connection with Kumarkhand P.S. Case No. 131
of 2023, F.I.R. dated 17.04.2023 registered for the offence
punishable under Sections 419,420,468,471 of IPC.

3. As per allegation in the FIR, petitioner along with
co-accused Shivraj Kumar were engaged to see the work of
Kanya Vivah Vikash Society of Madhepura District. Petitioner
in connivance with co-accused duped a lump sum amount of Rs.
Five lakhs (Rs. 5,00,000/-) from different guardians of
unmarried girls.

4. Learned counsel appearing for the petitioner
submits that the petitioner has clean antecedent and he has



falsely been implicated in the present case. As per FIR, allegation against the petitioner and other co-accused, namely, Budhni Devi is that they printed out the forged membership form and committed fraud in making members and as per allegation they have collected Rs. Five Lacs from the local people. Learned counsel for the petitioner outrightly submits that the petitioner is ready to deposit Rs. One Lac before the learned court below within a period of six months after releasing the petitioner from the judicial custody subject to result of the case. Petitioner is in custody since 18.04.2023.

5. Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid fact, 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 learned Additional Chief Judicial Magistrate-III, Madhepura in connection with Kumarkhand P.S. Case No. 131 of 2023, with the following conditions:-

(I) Petitioner shall deposit an amount of Rs. One Lac before the learned court below within a period of six months after releasing from the judicial custody. If the petitioner will not deposit the aforesaid amount within the stipulated period,



the learned court below shall be at liberty to cancel the bail bond of the petitioner.

(II) 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 cancelled by the Court below.

(III) 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.

(IV) 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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