

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59131 of 2022

Arising Out of PS. Case No.-80 Year-2022 Thana- CHORAUT District- Sitamarhi

VIJAY KUMAR MANDAL Son of Lalan Mandal R/V- Pirokhar, Ward No. 2,
P.S- Madhwapur, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Jha, Advocate
For the Opposite Party/s	:	Mr. Umanath Mishra, A.P.P.
For the Informant	:	Mr. Krishna Murari, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-02-2023 Heard learned counsel for the petitioner and learned
counsel for the informant as well as learned Additional Public
Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 406, 420 of the Indian Penal
Code.

According to prosecution case, the informant is the
proprietor of Nehal Gas Agency and the accused Vijay Kumar
Mandal was his vendor in his gas agency and since last 4-5 days
the informant was not in his house and due to the aforesaid
reason he could not visit the agency and due to the said reason,
from 05.04.2022 to 08.04.2022 he misappropriated the amount
of Rs.46,000/- and also sold some utensils of the agency and on
10.04.2022 the accused came to her house to whom the



informant demanded the sale proceed upon which he entered into scuffle and told him that he is not knowing anything.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that as per allegation the petitioner has embezzled Rs.46,000/-.

Learned counsel for the petitioner further submits that petitioner is ready to deposit the amount in question in favour of Nehal Gas Agency at the time of furnishing bail bonds, that will be subject to the outcome of the criminal proceeding. The petitioner is in custody since 28.07.2022.

Learned counsel for the informant as well as learned Additional Public Prosecutor for the State have vehemently opposed the prayer for bail of the petitioner.

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 Court below where the case is pending in connection with Choraut P.S. Case No. 80 of 2022, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. It is made clear that the bail bonds of the petitioner shall only be accepted by the court below after verifying the receipt of payment of amount in question as aforesaid.

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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