

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66151 of 2022

Arising Out of PS. Case No.-266 Year-2018 Thana- AURANGABAD TOWN District-
Aurangabad

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Shanti Bhushan Arya @ Shanti Bhushan Kumar Arya S/O Late Raghuni Ram
Resident of village- Purendrapur, Keshavpath, P.S.- Jakkanpur, District-
Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Singh, Sr. Advocate

For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 10-05-2023 Heard Mr. Jitendra Singh, learned senior counsel for

the petitioner and learned Additional Public Prosecutor for the

State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
05.09.2019 in connection with Town P.S. Case No. 266 of 2018,
F.I.R. dated 11.09.2018 for the offences punishable under
Sections 420, 409 and 120B of the Indian Penal Code.

Earlier the bail application of the petitioner was
rejected twice vide order dated 17.06.2020 and 10.02.2021
passed in Cr. Misc. No. 71694 of 2109 and 9109 of 2021



respectively.

According to prosecution case, there is allegation against the petitioner of embezzlement of Rs. 2,02,16,335/- which was allotted to him by the then District Welfare Officer for the payment of scholarship of the students who belongs to OBC, SC/ST category.

Learned senior counsel for the petitioner submits that petitioner has falsely been implicated in the present case. The petitioner is in custody since 05.09.2019.

Vide order dated 13.04.2023 a report was called with regard to the present stage of trial. Report of the learned Trial Court dated 19.04.2023 reveals that the charge has been framed against the petitioner on 09.01.2023 and till date the prosecution has not examined any witnesses.

Learned senior counsel for the petitioner submits that in view of the report of the learned Trial Court the trial is not likely to be concluded in the near future.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances that



the prosecution has not examined any witnesses and the petitioner is in custody since 05.09.2019, 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 Additional Chief Judicial Magistrate- II, Aurangabad in connection with Town P.S. Case No. 266 of 2018, 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. 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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