

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67633 of 2022

Arising Out of PS. Case No.-111 Year-2013 Thana- DHAMDHAHA District- Purnia

Arjun Mandal Son of Dasrath Mandal Resident of Village - Sukhsena Jangi Tola, P.S.- B. Kothi, Distt.- Purnea at present Gandhi Nagar, Ward No.- 9, P.S.- K. Hat, District - Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Most. Gulab Devi Wife of Late Soti Kamti Resident of Village - Thakurbari Tola, Dhamdaha, P.S.- Dhamdaha, District - Purnea.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Praveen Kumar Agrawal, Advocate
For the Opposite Party/s	:	Mr. Md. Aslam Ansari, APP
For the Informant	:	Mr. Hridayal Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-03-2023 Heard learned counsel for the petitioner, learned counsel appearing on behalf of the informant as well as 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 in a case registered for the offences punishable under Sections 406, 420, 467, 468, 471, 311, 384, 506, 341 and 120B of the Indian Penal Code.

According to prosecution case, the accused persons including the petitioner have committed fraud and misappropriated a sum of Rs. 4,00,000/- and diverted it in the accounts of accused Sulekha Devi and Dasrath Mandal.



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 from perusal of the F.I.R. the amount in question admittedly has not come in the account of the petitioner rather it has come in the bank account of the co-accused persons, namely, Sulekha Devi and Dasrath Mandal who are the family members of the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Bindeshwari Mohali has been granted bail by a Co-ordinate Bench of this Court vide order dated 09.12.2019 passed in Cr. Misc. No. 42148 of 2019. The petitioner is in custody since 01.09.2022.

The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor 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 Dhamdaha P.S. Case No. 111 of 2013, 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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