

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.276 of 2023

Arising Out of PS. Case No.-32 Year-2019 Thana- SASARAM MUFFSIL District- Rohtas

SATISH KUMAR S/o Mahendra Gupta @ Mahendra Prasad R/o Mohalla-
Sherganj, Ward no. 17, Sasaram, P.S.- Sasaram (T), Distt- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surendra Kumar Choubey, Adv.
For the Opposite Party/s : Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-06-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since 12.09.2022
in connection with Sasaram (Muffasil) P.S. Case No. 32/2019,
F.I.R. dated 31.01.2019, for the offences punishable under Section
406 of the Indian Penal Code.

According to prosecution case, the informant being
Ward Member of Belarhi Gram panchayat, has given the work of
Nal-Jal Yojna under the scheme of State of Bihar to the petitioner,
who is proprietor of Roshani Enterprises and it is alleged that
cheque of Rs.1,65,744/- was given for boring and again cheque of
Rs.6,30,000/- was given regarding further work of Nal-Jal Yojana
but except boring work, aforesaid agency did not perform the rest
work and due to non-performance of work, it is assumed that the



petitioner wanted to grab the informant's amount.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that the allegation against the petitioner is that he was involved in the Nal-Jal Yojana. He further submits that as per Nal-Jal Yojana, the petitioner is not an executing agency nor he is a member of the Panchayat or the Mukhiya. He further submits that the petitioner is only the supplier of the material and he has already supplied the material to the tune of Rs. 7,95,744/-. He further submits that the petitioner has no concern at all with the alleged occurrence and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 12.09.2022.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries three criminal antecedent other than the present one but fairly submits on the basis of para-3 of the bail petition that the petitioner is on bail in all the three cases.

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 C.J.M., Rohtas at



Sasaram in connection with Sasaram (Muffasil) P.S. Case No.32/2019, 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)

amit/-

U		T	
---	--	---	--

