

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40118 of 2023

Arising Out of PS. Case No.-514 Year-2022 Thana- PATLIPUTRA District- Patna

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Amit Kumar Singh @ Viru @ Shekhar Singh Son Of Late Vijay Kumar Singh
Resident Of Third Floor, F Nandan Residency, Navadih, Ps-Dhanbad, Distt-
Dhanbad (JHARKHAND)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Niraj Gopal Sharan, Advocate
For the Opposite Party/s	:	Mr. Mritunjay Kumar Nirala, APP
For the Informant	:	Mr. Manoj Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

9 19-04-2024 Heard Mr. Niraj Gopal Sharan, learned counsel for

the petitioner, Mr. Manoj Kumar, learned counsel appearing on

behalf of the informant as well as Mr. Mritunjay Kumar Nirala,

learned Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
16.09.2021 in connection with Pataliputra P.S. Case No. 514 of
2022, F.I.R. dated 24.08.2022 for the offences punishable under
Sections 406, 420 and 467 of the Indian Penal Code.

3. According to prosecution case, this petitioner is
alleged to have committed fraud with the informant and
misappropriated the consideration amount which was paid to
him against a piece of land.

4. Learned counsel for the petitioner submits that



petitioner is innocent and he has falsely been implicated in the present case. He further submits that it appears from the FIR that the co-accused, namely, Rakesh Mishra has received the amount in question on 09.03.2021 and petitioner has not received any amount from the informant. He further submits that similarly situated, co-accused, namely, Chandan Kumar has been granted bail by this Court vide order dated 26.07.2023 passed in Cr. Misc. No. 33281 of 2023.

5. Vide order dated 23.02.2024 a report was called with regard to the stage of trial. Report of the learned Trial Court dated 15.03.2024 reveals that the charge has been framed on 11.03.2024 and till now not a single witness has been examined in the present case.

6. Learned 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 and the petitioner is in custody since 16.09.2021.

7. 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 and submits that it appears from the FIR that the petitioner has actively participated in the present crime in question and apart



from that the petitioner carries four criminal antecedents other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in three cases out of four.

8. Considering the aforesaid facts and circumstances, period of custody as well as report of learned Trial Court, 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 X, Patna Sadar Court, Patna in connection with Pataliputra P.S. Case No. 514 of 2022, subject to the following conditions:-

i. 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.

ii. 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.

iii. 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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