

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44950 of 2024

Arising Out of PS. Case No.-1694 Year-2017 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Ashwini Singh @ Ashwini Kumar Son of Bhola Singh Resident of Ward No.-
09, Chandsurari, Chora Tabhka, P.S.- Bibhutipur, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar Patna
2. Mahesh Kumar Son of Late Janaklal Mahto Resident of Nagarbasti, P.S.-
Warisnagar (Mathurapur O.P.), District- Samastipur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Thakur, Adv.

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 17-10-2024

Heard the parties.

2. The petitioner is in custody in connection with
Complaint Case No. 1694 of 2017 for the offence punishable
under sections 420, 406 and 34 of the Indian Penal Code lodged
on 20.09.2017 by the informant Mahesh Kumar.

3. As per the prosecution story, the complainant
alleged that he is the Secretary of Divya Stitching Training
Centre and on the basis of written agreement, gave Rs. 8,20,000
to the accused persons through different cheques but no
repayment made. He came to know that the accused persons are
also operating Karl Marx Self Help Group in Chandsurari,
Bibhutipur where this petitioner is the Secretary. The



complainant when tried to remind was threatened with dire consequences. Accordingly, the case.

4. Learned counsel for the petitioner submits that there is denial on part of the learned counsel for the petitioner but submits that since allegation is there, he would like to repay lumpsum of one-third of the amount (around Rs. 2,50,000/-) but since he is in jail, the same is allowed to pay in installment inasmuch as:

i) Rs. 1,00,000 at the time of execution of bail bond, if granted;

ii) Rs. 50,000 each for the next three months from December 2024 to February 2025 by the 10th of every month (totaling Rs. 1,50,000/-);

iii) failure to do so, the Trial Court be allowed to take steps for cancellation of his bail bond;

5. Learned APP and learned counsel appearing on behalf of the informant opposes the prayer, however, learned counsel for the informant submits that if he is ready to repay, he would accept the amount.

6. Taking into account the aforesaid facts and the submission of the party, petitioner is ready to pay Rs. 2,50,00/- by way of Demand Draft issued by the local State Bank of India in favour of the complainant, has remained in custody since



06.04.2024 (paragraph 10 of the petition) and do not have criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions subject to payment of Rs. 2,50,000 as detailed out in the earlier paragraphs to the informant as undertaken by the learned counsel for the petitioner to be paid by Demand Draft of local State Bank of India to be submitted to the Trial Court. Failure to do so, the Trial Court shall take immediate steps for cancellation of his bail bonds.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned C.J.M. Samastipur, in connection with Complaint Case No. 1694 of 2017 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned



police station every fortnight for six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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