

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67642 of 2024

Arising Out of PS. Case No.-410 Year-2024 Thana- DAUDNAGAR District- Aurangabad

1. Om Prakash Singh S/o Sri Ram Pravesh Singh Resident of village- Paswan, PO- Dhanawa, PS- Daud Nagar (Daudnagar), District- Aurangabad
2. Gautam Kumar S/o Sri Kedar Singh Resident of village- Paswan, PO- Dhanawa, PS- Daud Nagar (Daudnagar), District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Neeraj Kumar, Advocate

For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-10-2024 Heard Mr. Neeraj Kumar, learned counsel for the petitioners as well as Mr. Parmeshwar Mehta, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Daudnagar P.S. Case No. 410 of 2024, F.I.R. dated 11.07.2024 for the offences punishable under Sections 406, 420, 409, 120(B)/34 of the Indian Penal Code.

3. According to prosecution case, these petitioners took cash credit loan from the bank and total amount dues against the petitioners is Rs. 55,46,114.09 with interest. It is further alleged that as per the scheme of the Government of Bihar for distribution of dhan, petitioners procured 284 metric



tonnes of paddy but sent only 64.100 metric tonnes for milling and rest were sold and money was misappropriated.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offences as alleged in the F.I.R. In fact, before the due date the present F.I.R has been instituted. He further submits that the petitioners are ready to deposit the amount of Rs. 55,46,114.09/- (Rupees fifty five lakhs forty six thousand one hundred and fourteen and nine paise) with interest within a period of four months.

5. Learned Additional Public Prosecutor has no objection in this regard.

6. Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Daudnagar, Aurangabad in connection with Daudnagar P.S. Case No. 410 of



2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioners shall deposit Rs. 55,46,114.09/- (Rupees fifty five lakhs forty six thousand one hundred and fourteen and nine paise) with interest within a period of four months. And if the petitioners fail to deposit the said amount within the aforesaid time, then the prosecution has liberty to file an application before the learned Court below for the cancellation of their bail bond.

ii. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

iii. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iv. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for



cancellation of bail bond of the petitioners. 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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