

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81935 of 2023

Arising Out of PS. Case No.-430 Year-2022 Thana- SHEKHPURA COMPLAINT CASE
District- Sheikhpura

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1. Gayatri Kumari Wife Of Vijay Kumar Singh R/O Village- Jiyan Bigha, P.S.- Sheikhpura, Dist.- Sheikhpura
 2. Vijay Kumar Singh Son Of Ramchandra Mahto R/O Village- Jiyan Bigha, P.S.- Sheikhpura, Dist.- Sheikhpura

... .. Petitioner/s

Versus

1. The State Of Bihar Patna
2. Kumari Niru Sinha Wife Of Bharat Prasad R/O Village- Mir Bigha, P.S.- Warisaliganj, Dist.- Nawada

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anil Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Satya Nand Shukla, APP
	:	Mr. Sheo Nandan Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-01-2024 Heard Mr. Anil Kumar Singh, learned counsel for the petitioners and Mr. Satya Nand Shukla, learned Additional Public Prosecutor for the State along with Mr. Sheo Nandan Prasad, learned counsel for the complainant.

2. The petitioners are apprehending their arrest in connection with Complaint Case No. 430C of 2022, for the offences punishable under Sections 406, 420, 467 and 468/34 of the Indian Penal Code.

3. According to prosecution case, allegation against the petitioners is that they have embezzled of Rs. 10,00,000/- from the complainant.



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 out of 10,00,000/- the petitioners have already returned amount of Rs.5,95,000/- to the complainant and the complainant has received the same.

5. The learned Additional Public Prosecutor as well as learned counsel for the complainant have vehemently oppose the prayer for bail of the petitioners but fairly submits that the complainant received Rs.5,95,000 from the petitioners.

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 bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sheikhpura in connection with Complaint Case No. 430C of 2022, 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 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 petitioners tamper 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 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 bonds 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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