

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81188 of 2023

Arising Out of PS. Case No.-531 Year-2023 Thana- PURNEA SADAR District- Purnia

Manoj Jain @ Manoj Samdariya Son Of Sukan Chand Samdariya Proprieter
Of Samta Trading, Resident Of Shani Mandir, Gulabbagh, P.S.- Sadar,
District- Purnea Petitioner/s

Versus

1. The State of Bihar
2. Amod Kumar Sah Son Of Lutan Sah R/O Village- Dholbajja, P.S.- Rupouli,
District- Purnea, Permanent Address- Chandan Nagar, Ward No.45, Gunda
Chowk, P.S.- Sadar, District- Purnea Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-01-2024 Heard Mr. Bijendra Kumar Singh, learned counsel
for the petitioner and Mr. Bharat Lal, learned Additional Public
Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Sadar P.S. Case No. 531 of 2023, F.I.R. dated
12.06.2023 for the offences punishable under Sections 341, 323,
504, 506, 406 and 420 of the Indian Penal Code and Section 138
of the N.I. Act.

3. According to prosecution case, this petitioner has
purchased paddy worth of Rs. 9,84,073/- from the informant but
did not paid him fully for the same.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that on the
basis of the instruction, the petitioner is ready to return the



amount in question i.e. Rs. 8,84,073/- to the informant in four equal installments by way of demand draft within a period of six months.

5. The learned Additional Public Prosecutor has no objection in this regard.

6. Considering the aforesaid facts and circumstances, let the petitioner, 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. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnea in connection with Sadar P.S. Case No. 531 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioner shall pay Rs. 3 lakh by way of demand draft in favour of the informant, namely, Amod Kumar Sah at the time of furnishing the bail bond and the learned Court below is directed to hand over the said demand draft to the informant or his representative. And rest of the amount i.e. Rs. 5,84,073/- shall be paid by the petitioner till June, 2024 in two equal installments. If the petitioner will not pay the rest amount to the



informant then the informant has been given liberty to move before the learned Court below for cancellation of the bail bond of the petitioner.

ii. 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.

iii. 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.

iv. 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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