

(2016) 02 PAT CK 0082

PATNA HIGH COURT

Case No: Criminal Miscellaneous No. 11628 of 2015 (Arising Out of PS.Case No. 38 Year 2013 Thana -Valmikinagar District West Champaran (Bettiah).

Tej Narayan Singh

APPELLANT

Vs

State of Bihar

RESPONDENT

Date of Decision: Feb. 24, 2016

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 439
- Penal Code, 1860 (IPC) - Section 409, 419, 420

Citation: (2016) 2 ECRC 482

Hon'ble Judges: Ahsanuddin Amanullah, J.

Bench: Single Bench

Advocate: Rama Kant Sharma, Sr. Advocate, for the Appellant; Bhanu Pratap Singh, APP, for the Respondent

Final Decision: Disposed off

Judgement

Ahsanuddin Amanullah, J. (Oral) - Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in Valmikinagar P.S. Case No. 38 of 2013 dated 14.07.2013 instituted under Sections 409/419/420 of the Indian Penal Code.

3. This is the second attempt of the petitioner as his earlier prayer for bail was rejected on 20.06.2014 in Cr. Misc. No. 9496 of 2014.

4. Learned counsel for the petitioner, without going into the merits, submits that the Court, on the last occasion, had observed that the allegation of defalcation against the petitioner was of Rs. 6,82,478/- and the same though was explained but the Court was not inclined to grant him bail. Today, learned counsel submits that the petitioner is ready to pay Rs. 2,50,000/- within one week from today and the remaining amount, after deducting Rs. 2,50,000/- from Rs.6,82,478/- shall be

deposited in two equal instalments by 15th April, 2016 and 31st May, 2016 respectively.

5. Learned A.P.P. does not oppose.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Bagaha, West Champaran in Valmikinagar P.S. Case No. 38 of 2013, subject to the condition that he shall deposit the entire amount of Rs. 6,82,478/- latest by 31st May, 2016 in the following manner. He shall deposit Rs. 2,50,000/- with the Court below within one week from today which shall be invested in Fixed Deposit, the next instalment being half of the remaining amount, latest by 15th April, 2016 before the Court which shall also be invested in Fixed Deposit and the final instalment of the remaining amount by 31st May, 2016 and the Court shall likewise invest the same in Fixed Deposit. Any default shall lead to cancellation of his bail bonds and it shall be deemed that the prayer for bail has been rejected by this Court.

7. It goes without saying that the amount deposited by the petitioner shall be subject to the outcome of the trial and shall not cause prejudice to the petitioner in the trial.

8. The application stands disposed off in the aforementioned terms.