

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.69000 of 2018

Arising Out of PS. Case No.-164 Year-2015 Thana- GAUNAHA District- West Champaran

Raghav Verma son of late Motichand, resident of village-Pakadi Vishauli, P.S. Gaunaha, District-West Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Smt. Anita Kumari Singh

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 28-11-2018 Heard learned counsel for the petitioner, learned counsel for the informant and learned counsel appearing on behalf of the State.

Petitioner had earlier moved for bail which was rejected by order dated 16.11.2016 passed in Cr. Misc. No. 9559 of 2016.

Petitioner is languishing in judicial custody since 17.06.2018 in connection with Gaunaha P.S. Case No. 164 of 2015 for the offence alleged under Sections 406, 420, 467, 468, 471 of the I.P.C.

On the basis of the information that the petitioner along with three other persons who were working as Munshi under the informant had swindled a sum of Rs. 30,00,000/- given to them for sending it to Delhi for treatment of the



informant an F.I.R. being Gaunaha P.S. Case No. 164 of 2015 was lodged. The petitioner was taken into custody and was granted provisional bail earlier in Cr. Misc. 9559 of 2016 vide order dated 01.03.2016 and the matter was sent to the mediation centre of the High Court, Patna for settling the dispute. A further extension of provisional bail was granted by order dated 22.06.2016 but the matter could not be resolved. Hence, the provisional bail granted to the petitioner was not confirmed by order dated 16.11.2016 passed in Cr. Misc. No. 9559 of 2016. About after one and half years, the petitioner was taken to custody on 17.06.2018.

It has been submitted on behalf of the informant that upto now the dues have not been diluted and the informant has not been paid the amount which had been swindled by the petitioner and three other namely Sunil Tiwary, Pradeep Kumar, Chandrika Kushwaha and the petitioner. He submits that during mediation, the amount appropriated by each of the four persons has been quantified and one Pradeep Prasad @ Pradeep Kumar has been granted provisional bail on payment of the amount of Rs. 6,90,919/- vide 30.07.2018 passed in Cr. Misc. No. 42860 of 2018 within a period of six months. He submits that the dues quantified to be paid by the petitioner is



also about 7 lacs.

Learned counsel for the petitioner submits that he also is willing to negotiate with the employer and pay any due which is to be paid to the informant and for the said purpose he may also be released on provisional bail to carry out his undertaking.

Learned A.P.P. for the State does not oppose the said stand of the petitioner.

In view of the said submissions, let the petitioner be released on provisional bail for a period of six months on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Gaunaha P.S. Case. No. 164 of 2015 to the satisfaction of the learned Sub-Divisional Chief Judicial Magistrate, Bettiah, West Champaran, subject to the condition that if the petitioner fails to make re-payment within six months, the informant would be at liberty to take recourse to law and also if the petitioner does not fulfill his undertaking, the provisional bail granted today shall stand automatically revoked.

This application is allowed in terms of the above.

(Nilu Agrawal, J)

devendra/-

U		T	
---	--	---	--

