

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11483 of 2019**

Arising Out of PS. Case No.-218 Year-2018 Thana- UCHKAGAON District- Gopalganj

RAGHUNATH YADAV Son of Late Hari Yadav Resident of Village- Sathi,
P.S.- Uchakagaon Dist-Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akhilesh Kumar

For the Opposite Party/s : Mr.Tarun Prasad Mandal

**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER**

2 26-02-2019

Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences alleged
under Sections 406/307/34 IPC registered in connection with
Uchakagaon P.S. Case No. 218/2018.

3. It is submitted that the petitioner has been falsely implicated and
the accusation that the petitioner had taken money from the informant
for sending him abroad, but failed to do so nor returned the money. It
is submitted that the informant himself has sworn an affidavit
(Annexure-2), according to which the Visa was issued for Kingdom of
Saudi Arabia through M/s Al-Fauzan Enterprises, Mumbai, but the
same has been cancelled as the informant was unable to join the said
employment and that he alone was responsible for cancellation of the
Visa and tickets. It has further been stated in the affidavit that the
informant has received Rs. 29,000/- after deduction of charges for Visa
endorsement, ticket and office service charges etc. and there remains
no claim whatsoever in that regard. A perusal of the affidavit discloses
a prima facie discrepancy in the date of verification typed as 8th day of
August, 2018, but the rubber stamp shows the date as 7th August, 2018,
so also the registration no. 395 shows the date as 07.08.2018.



4. Be that as it may, in the event of petitioner's arrest or surrender within four weeks hereof let the above named petitioner be released on provisional anticipatory bail on furnishing bail bond of Rs.10,000/- [ten thousand] with two sureties of like amount each to the satisfaction of learned CJM, Gopalganj in connection with Uchakagaon P.S. Case No. 218/2018 subject to the conditions as laid down under Section 438(2) Cr.P.C. and also subject to the following further conditions:

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) The petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

5. The provisional bail shall stand confirmed upon the petitioner producing the affidavit as aforesaid in original and upon satisfaction of the learned trial Court about its genuineness, within a period of eight weeks from today. If the petitioner fails to produce the affidavit in original the provisional bail shall stand cancelled.

(Vikash Jain, J)

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