

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70210 of 2019

Arising Out of PS. Case No.-1340 Year-2018 Thana- PATNA COMPLAINT CASE District-
Patna

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SHAMBHU NATH YADAV, aged about 59 years (Male), son of Late Birani Rai, Resident of Village - Suarmarwa, East Tola, P.S.- Maner, Distt.- Patna.

... .. Petitioner

Versus

1. The State of Bihar.
2. Rekha Devi, aged about 39 years (Female) wife of Sri Birendra Rai, Resident of Village - Suarmarwa , East Tola, P.S.- Maner, Dist.- Patna.

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Ashok Kumar Jha, Advocate
For the State	:	Mr. Dinesh Singh, APP
For the Opp. Party No.2	:	Mr. Saket Anand, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

8 06-12-2021 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Complaint Case No. 1340C of 2018 for the offence punishable under Sections 406 and 420 of the Indian Penal Code.

It is being contended by the petitioner that the petitioner has already refunded Rs.5,00,000/- to the informant and only Rs.1,30,000/- is due, which is being disputed by learned counsel for opposite party no.2.

Considering the entire facts and circumstances of the case, let the petitioner, above named, in the event of his arrest/surrender within four weeks from today in the Court below, 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 Judicial Magistrate, 1st Class, Danapur, Patna, in connection with Complaint Case No. 1340C of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that at the time of furnishing bail bond, the petitioner shall submit a demand draft of Rs.1,30,000/- issued in favour of the opposite party no.2 in the Court below and the Court below, in turn, shall give the said demand draft to the opposite party no.2. Thereafter, the petitioner shall further submit a demand draft of Rs.2,50,000/- in the Court below, the Court below, in turn, will retain the said amount till the final decision of the case and it shall be released in favour of opposite party no.2 if the petitioner is convicted and if the petitioner is not convicted then the same shall be returned to the petitioner.

Learned counsel for the petitioner submits that opposite party no.2 has signed the document as contained Annexure-2 to the bail application.

The Court below is directed to get the signature of the opposite party no.2 verified to be produced either of the parties and thereafter the Court below shall take a decision on



the criminality of the case.

With the aforesaid observations and directions, this
bail application is allowed.

(Sandeep Kumar, J)

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