

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8112 of 2022

Arising Out of PS. Case No.-183 Year-2021 Thana- CHAKIA District- East Champaran

Nirbhay Kumar Yadav, Son of Late Jeewan Rai, Resident Of Village- Lahi
Banjariya, P.S.- Madhuban, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. P.K. Shahi, Sr. Advocate
		Mr. Mukesh Kumar, Advocate
For the Opposite Party/s	:	Mr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 26-07-2022 Heard learned senior counsel for the petitioner and
learned APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Chakia P.S. Case No. 183 of 2021 registered for the alleged offences under Sections 420 and 406 of the Indian Penal Code.

The prosecution case is that the petitioner runs a Trust in the name of Mother Teresa Future Foundation and cheated the informant and her team members about Rs. 4,50,000/- which they have deposited on assurance that in return they would get a



certain amount every month.

The learned senior counsel Mr. P.K. Shahi submits that petitioner is innocent and has been falsely implicated in this case. It is apparent from the FIR that the sum assured to be returned every month on deposit of Rs. 22,500/- as one time deposit is simply not sustainable as it is not possible to pay back Rs. 2500/- per month on one time deposit of Rs. 22,500/-. Learned senior counsel further submits that there is nothing to show that the petitioner was entrusted with the said money and there is no document on record to prove it. Nothing incriminating has been recovered from the possession of the petitioner. The charge-sheet has been submitted in this case and the petitioner is in custody since 02.09.2021.

Learned APP opposes the prayer for bail submitting that the petitioner is in the habit of duping innocent persons of their money and is accused in two other cases of similar nature.

At the stage, the learned senior counsel submits that the petitioner is even ready to pay the informant and other ladies named in the FIR the money allegedly stated to be deposited by them without prejudice to his rights and for this purpose, he will make contact with the informant whose mobile numbers have been given in the FIR.



Having regard to the submissions made hereinabove and considering the fact that the charge-sheet has been submitted in this case and the petitioner is in custody since 02.09.2021 and further considering the submission made on behalf of the petitioner about making payment to the informant and other aggrieved ladies, whose names have been mentioned in the FIR, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned In-Charge CJM, East Champaran, Motihari in connection with Chakia P.S. Case No. 183 of 2021, subject to the following conditions :

(i) The bail bond of the petitioner will be accepted after proper verification of payment to the informant and other aggrieved ladies whose names are mentioned in the FIR, and after framing of charge, if not already framed.

(ii) One of the bailors will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) The petitioner will not commit similar type of



offences in future.

(v) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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