

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41601 of 2022

Arising Out of PS. Case No.-103 Year-2022 Thana- BEGUSARAI TOWN District- Begusarai

RAVI RANJAN KUMAR Son of Mr. Brahma Nand Thakur Resident of
Village - Dwarikapuri, Road No.1, Kali Mandir, Hanuman Nagar,
Kankarbagh, P.s.- Patrakarnagar, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Vaishnavi Singh
		Mr. Ajay Kr. Thakur
		Mr. Nilesh Kumar
		Mr. Ritwik Thakur
For the Opposite Party/s	:	Mr. Nirmala Kumari
For the Informant/s	:	Mr. Mirtunjay Kumar
		Mr. Ram Ganesh
		Mr. Prince Rahul

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 29-09-2022 Counter affidavit has been filed on behalf of the
informant.

Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Begusarai Nagar P.S. Case No. 103 of 2022 registered for the
offences punishable under Sections 420, 406/34 of the Indian
Penal Code in which subsequently Sections 409, 420/ 34 of the



I.P.C. was added.

As per prosecution case, the informant contacted the petitioner and other on their mobile who gave quotation of the machines and after satisfying he paid 43,00,000 to the firm of the petitioner. It is further alleged that the informant has supplied equipment worth Rs. 6,07,500/-. When informant asked for rest equipment, the petitioner did not deliver the same. Thereafter, informant asked the rest amount of Rs. 41,92,500/- but petitioner did not pay the amount as well.

Learned counsel for the petitioner submits that petitioner is in custody since 02.05.2022 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that in the F.I.R. it has wrongly been alleged that Rs. 5 lakh has been given to the petitioner and whatever transaction has taken place, it has taken place through bank. He also submits that present case was lodged by informant in order to misappropriate the money of petitioner in collusion with his wife who is in police service and is holding the post of DSP and presently posted at Barauni B.M.P Camp. The counsel of petitioner submits that after perusal of para 35 and 36 it appears that the petitioner has supplied equipment



worth Rs. 51,96,082/- and from the perusal of FIR itself it appears that there is business transaction between both the parties and at best the allegation can be made out that the services are deficient from the supply end and there are two parts:- one is demand side and another is supply side.

The learned A.P.P. for the State as well as learned counsel of informant vehemently opposed the prayer of bail and submit that petitioner has not supplied the equipment amounting to Rs. 41 lakh.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, **after framing of charge**, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Begusarai Nagar P.S. Case No. 103 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or



mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

vashudha/-

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