

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.47499 of 2022**

Arising Out of PS. Case No.-394 Year-2021 Thana- AURANGABAD TOWN District-
Aurangabad

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Abhishek Kumar Son Of Sanjay Yadav Permanent R/O Village- Adopur, P.S.-
Anti, District- Gaya, Presently Residing At Mohalla- Gandhinagar,
Aurangabad, P.S.- Town, District- Aurangabad

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 09-12-2022 Neither learned counsel for the petitioner nor

learned APP for the State is present.

This application has been listed today under special
drive to consider the bail matters. Instead of adjourning the
matter, therefore, this Court thinks it just and proper to dispose
it of on the basis of the materials on the record.

The petitioner in the present case is seeking regular
bail in connection with Aurangabad Town P.S. Case No. 394 of
2021 registered for the offences punishable under Sections
406/420/34 of the Indian Penal Code. He has been taken on
remand in this case on 26.04.2022. In paragraph '3', it is stated
that the petitioner has got fair antecedent.

Learned counsel for the petitioner submits that the



allegation against the petitioner is that he has taken Rs.22,08,100/- in several transactions from the informant in his account for the franchisee of mobile phones. After few days, the petitioner told the informant that his work could not be done and he will return the money on 05.08.2021 but thereafter the mobile phones of the petitioner were switched off and the informant could not contact the petitioner.

It is stated in the application that the present petitioner and the informant are known to each other and they were business partners in the business of mobile and several money transactions have been done between both of them. It is stated that the petitioner and the informant have jointly invested money in dollars and cyptocurrency and for this purpose the account number of the petitioner has been used. In that business, a huge loss was caused to them.

The petitioner is said to be in custody for about 7 and half months, the allegations present in the FIR indicates that both the parties were known to each other and they were engaged in business in connection with which the money transactions have taken place, at this stage, considering the nature of the allegations and the custody of the petitioner and there being no criminal antecedent, this Court directs that the



petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned C.J.M., Aurangabad in connection with Aurangabad Town P.S. Case No. 394 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application is allowed.

Certified copy of this order will be made available only after removal of the defects.

(Rajeev Ranjan Prasad, J)

vats/-

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