

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2358 of 2023

Arising Out of PS. Case No.-503 Year-2021 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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1. JYOTI KUMARI WIFE OF SONU KUMAR, R/O MOHALLA- SRI RAM NURSING HOME, G-25, P.C. COLONY, KANKARBAGH, P.S.- KANKARBAGH, DISTRICT- PATNA.
 2. SONU KUMAR SON OF SRI AKHILESH SHARMA, R/O MOHALLA- SRI RAM NURSING HOME, G-25, P.C. COLONY, KANKARBAGH, P.S.- KANKARBAGH, DISTRICT- PATNA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sanjiv Sharan, Adv.
For the State	:	Mr.Ganesh Prasad Singh, APP
For the informant		Mr.Madan Mohan, Adv.
		Mr. Ritik Shah, Adv.
		Ms. Pallavi Pandey, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

13 09-10-2023 Heard Mr. Sanjiv Sharan, learned counsel for the petitioners and Mr. Madan Mohan, learned counsel appearing on behalf of the informant as well as Mr. Ganesh Prasad Singh, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Kotwali (Barari) P.S. Case No. 503 of 2021, registered for the offences punishable under Sections 406, 420, 506/34 of the Indian Penal Code.

3. Prosecution case, in short, is that as per agreement, the petitioners assigned some work to the informant,



which was completed by him, but the payment of said work has not been made by the petitioners. When the informant demanded his money, the petitioners denied and threatened to implicate him in a false case.

4. Learned counsel for the petitioners has submitted that the petitioners have clean antecedents. They have falsely been implicated in the present case. He further submits that due to Corona period, the petitioners have not paid the amount in question, but they were always ready to settle the dispute with the informant and they have paid Rs.7,00,000/- (Seven lakhs) to the informant through RTGS on 28.01.2022 and thereafter, the they have paid Rs.2,00,000/-(Two lakhs) to the informant and now they have produced two cheques, bearing nos. 71 and 72 in favour of the informant of Rs.1,25,000/- each dated 05.10.2023 and 05.11.2023 respectively issued under the signature of Jyoti Kumari (petitioner no. 1) and rest amount, if any as per agreement, is found to be liable to be paid, the petitioners are always ready to pay the same.

5. Learned counsel for the informant, on the other hand, has vehemently opposed the prayer for bail and submits on instruction that the informant has only received Rs.9,00,000/- (Nine lakhs) from the petitioners and as per the agreement,



Rs.22,00,000/- (twenty two lakhs) is dues. The matter was referred to the Patna High Court Mediation Centre for settlement of the dispute, but the same has failed. Thereafter, the petitioners are ready to pay only Rs.2,50,000/- (Two lakhs fifty thousand) and after the payment of Rs.2,50,000/- (Two lakhs fifty thousand), Rs.9.5 Lakhs is also dues, which should be paid within a period of four weeks.

6. Considering the aforesaid facts, including the fact that both the cheques have been handed over to the learned counsel for the informant, which he has received, let the above-named petitioners, in the event of their arrest or surrender within a period of four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Kotwali (Barari) P.S. Case No. 503 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C and with further following conditions;

(i) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient



reason, their bail bond shall be cancelled by the Court below.

(ii) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of their bail bonds.

(iii) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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.

(Rajesh Kumar Verma, J)

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