

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10042 of 2023

Arising Out of PS. Case No.-42 Year-2021 Thana- DELHA District- Gaya

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Brajesh Kumar Chandravanshi, Son Of Dinesh Ram Chandravanshi, R/V-
Amari, P.S.- Upahara, Dist- Aurangabad

... .. Petitioner/S

Versus

1. The State Of Bihar
2. Vijay Kumar, S/o Gopal Saw @ Gopal Prasad, Village- Chotki Delha
Bhuntoli, P.S.- Delha, District- Gaya.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Singh, Adv.
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

7 22-09-2023 Heard learned counsel for the petitioner, learned
A.P.P. for the State and counsel for the informant.

2. The petitioner seeks regular bail in connection with
Delha P.S. Case No. 42 of 2021 lodged under Sections 406, 420,
34 of the I.P.C.

3. Learned counsel for the petitioner submits that vide
order dated 13.07.2022, the provisional bail was granted to the
petitioner to settle the matter, but it could not be settled,
thereafter, vide order dated 20.10.2022, the provisional bail
granted to the petitioner, has been cancelled, thereafter, the
present bail application has been filed.

4. Counsel for the petitioner submits that he is victim

of this case due to the reason that forgery has been committed by the co-accused with him. He submits that the petitioner has handed over the entire money to the co-accused, namely, Jitendra Kumar Chandrabanshi, but he became the scapegoat in this case. Counsel further submits that he is in custody since 14.11.2021, charge-sheet has already been filed and charge has also been framed in this case.

5. Learned counsel for the State opposes the prayer for bail.

6. Learned counsel for the informant vehemently opposes the prayer for bail and submits that the defence taken by the petitioner is absolutely false as it is the petitioner who has received the money from the informant and in this regard, he has provided the receiving of the amount Rs.13,51,000/- on a non-judicial stamp on which he has put his signature which is part and parcel of the F.I.R..

7. Upon specific query from the counsel for the petitioner that whether he is ready to refund the amount. Counsel for the petitioner submits that since he has paid the money to Jitendra Kumar Chandrabanshi (co-accused), then there is no question of refund of money by him to the informant.

8. It transpires to this Court that the receiving of said

money has been prepared by the petitioner, but on a non-judicial stamp and neither money nor land has been given to the informant.

9. In the present facts and circumstances and the submissions made above, I am not inclined to grant bail to the petitioner. Therefore, the bail application of the petitioner is hereby rejected

10. The Trial Court is directed to expedite the trial.

(Dr. Anshuman, J.)

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