

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10005 of 2023

Arising Out of PS. Case No.-19 Year-2018 Thana- RAHUI District- Nalanda

Binod Ravidas @ Vinod Giri S/o Late Rohan Ravidas R/o Village-
Mahanandpur, P.S.- Dipnagar, Distt- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mahendra Prasad Bhartee, Advocate
For the Opposite Party/s	:	Mr. Umeshanand Pandit, APP
For the Informant	:	Mr. N.A. Shamsi, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 24-06-2023 Heard learned counsel for the petitioner, learned
counsel appearing on behalf of the informant as well as learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
11.11.2022 in connection with Rahui (Bhaganbigha) P.S. Case
No. 19 of 2018, F.I.R. dated 28.01.2018 for the offences
punishable under Sections 406, 420, 498(A)/34 of the Indian
Penal Code.

According to prosecution case, the petitioner being the
son-in-law of the informant betrayed him and fraudulently kept



his amount of retiral benefit by engaging him in a film making business.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. He further submits that earlier the informant has filed a case bearing Mahila P.S. Case No. 96 of 2015 under Section 498A and other minor sections of the Indian Penal Code against the petitioner and other accused persons. He further submits that on the basis of compromise, the petitioner has been granted bail and thereafter, the present false and fabricated case has been lodged against the petitioner only to harass the petitioner and also to obtain the amount of retirement benefit. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 11.11.2022.

Earlier vide order dated 03.05.2023, learned counsel for the informant seek time to file counter affidavit but till now no counter affidavit has been filed by him.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the



ground that petitioner carries one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances and the period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate 1st, Biharsarif in connection with Rahui (Bhaganbigha) P.S. Case No. 19 of 2018, subject to the following conditions:-

1. Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. 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 step 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.

(Rajesh Kumar Verma, J)

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