

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.813 of 2023

Arising Out of PS. Case No.-340 Year-2022 Thana- SAHPUR District- Patna

Priya Kumari @ Priya Mishra Wife of Prabhat Kumar Ranjan @ Uday Samrat @ Udai Samrat R/o Vaidehi Apartment, Jagdeo Path, P.S.- Rupaspur, District- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Madan Chaudhary Son of Jagmohan Chaudhary R/v- Enkhan, P.S.- Belhauri, P.S.- Dulhin Bazar, District- Patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ravindra Kumar, Advocate Mr. Madhukar Anand, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl.P.P.
For the Informant	:	Mr. Abhineet Kumar, Advocate Mr. Dinesh Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 19-05-2023 Heard learned counsel for the appellant, learned counsel appearing on behalf of the Informant as well as learned Spl.P.P. for the State.

This is an appeal under Sections 14(A)(2) against refusal of the prayer for regular bail by order dated 14.11.2022 passed by the learned Special Judge, SC/ST Patna in connection with Special Case No. 231 of 2020, F.I.R. dated 09.07.2022 registered under Sections 406, 420, 467, 468/34 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes Act.

According to the prosecution case, the appellant is the



director of Patligarm Builders Pvt. Ltd and the informant invested an amount of Rs. 11,16,000/- for construction of villa in his scheme. But after a lapse of two years the construction work was not started and when the informant asked for his money back then all the accused persons abused him and threatened him with dire consequences.

Learned counsel for the appellant outrightly submits that the appellant is ready to pay the amount in question to Respondent no. 2(informant), namely, Madan Chaudhary and he has filed an affidavit stating therein that the appellant is ready to refund the entire amount as claimed by the Respondent no.2(informant) i.e., Rs. 11,16,000/- . He further submits that he will pay Rs. 1,26,000/- by way of demand draft in favour of the respondent no. 2 (informant) at the time of furnishing bail bond and the remaining amount of Rs. 9,90,000/- in 18 months after coming out from the jail in equal monthly installment of Rs. 55,000/- per month. He further submits that the first installment will be made available to the respondent no.2 (informant) within 30 days after coming out of jail.

Considering the submissions made by the learned counsel for the appellant, learned counsel appearing on behalf of the Respondent No. 2 (Informant) accepted the offer made by



learned counsel for the appellant.

In view of the aforesaid, let the appellant, 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 learned Special Judge SC/ST Act, Patna in connection with Special Case No. 231 of 2022, with other following conditions:-

1. Appellant shall deposit a demand draft in favour of the respondent no.2 (informant), namely, Madan Chaudhary at the time of furnishing bail bond and he will pay the rest amount of Rs. 9,90,000/- to the respondent no. 2 within 18 months in 18 equal monthly installment of Rs. 55,000/- per month, failing which the bail bond of the appellant shall be cancelled.

2. Appellant 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.

3. If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

4. And further condition that the court below shall



verify the criminal antecedent of the appellant and in case at any stage it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. 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.

Accordingly, the impugned order is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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