

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26359 of 2023

Arising Out of PS. Case No.-183 Year-2019 Thana- COMPLAINT CASE District- Banka

Pramod Prasad Singh S/o Late Rameshwar Prasad Singh Resident of village-
Katyama, P.S.-Rajoun, District-Banka

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mahesh Prasad Chaudhary S/o Late Surti Chaudhary Resident of village and
P.S. Barahat District Banka

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pankaj Kumar, Advocate
For the Complainant	:	Mr. Sanjay Kumar Jha, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 19-09-2023 Heard learned counsel for the petitioner, learned
counsel appearing on behalf of the Informant and learned APP
for the State.

2. Petitioner seeks bail, who is in custody since
25.01.2023, in connection with Complaint Case No. 183 of
2019, registered for the offences punishable under Sections
406/417 and 471 of the Indian Penal Code.

3. The prosecution case, as the complaint petition, is
that the complainant Mahesh Prasad Chaudhary purchased a
truck bearing registration no. BR-10GA-4331 from the
petitioner namely Pramod Prasad Singh by way of an affidavit
after paying Rs. 15,00,000/-. It is further alleged that on



29.02.2018 the petitioner committing cheating again sold the alleged truck to one Anjani Devi and subsequently, the registration of the alleged truck was transferred in the name of Anjani Devi. It is further alleged that when the complainant went to the house of the petitioner, the petitioner promised to return the alleged amount i.e. Rs. 15,00,000/- given by the complainant but he did not return the alleged amount to the complainant. Accordingly, the complainant sent a legal notice to the petitioner but the petitioner did not give his reply to the legal notice sent by the complainant.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely 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 offence as alleged in the F.I.R. and the petitioner has paid all the amount in question to the complainant namely Mahesh Prasad Choudhary. Learned counsel for the petitioner further submits that in fact the petitioner has any legal proof of payment by Anjani Devi to Mahesh Prasad Choudhary (Complainant) produced by the petitioner before the court below to establish that the complainant has made wrong allegation in the complaint



petition and in fact the complainant namely Mahesh Prasad Choudhary has sold the said truck in question to Anjani Devi and Anjani Devi has made direct payment to the complainant namely Mahesh Prasad Choudhary. The petitioner is in custody since 25.01.2023.

5. The learned counsel appearing on behalf of the Complainat as well as learned Additional Public Prosecutor for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that he has not received any amount either from the petitioner or from the Anjani Devi and if the petitioner has produced the paper with respect to the amount in question which he claims that he has paid to the complainant , the complainant has no grievance at all.

6. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Banka in connection with Complaint Case No. 183 of 2019, subject to the following conditions :-

(I) The petitioner is directed to produce the relevant paper with respect to the amount in question which he suggests



that he has paid the amount to the complainant through Anjani Devi within a period of four weeks after releasing from the judicial custody, and if he has not produced the relevant paper/proof of payment to the complainant with respect to the amount in question which may suggest that the petitioner had already paid the amount in question to the complainant then the petitioner shall deposit a Demand Draft of Rs. 15,00,000/- in favour of the complainant within next two weeks i.e. within six weeks from releasing from judicial custody and if the petitioner does not deposit the proof of pay or amount in question within the aforesaid period, the complainant shall be at liberty to file a petition for cancellation of bail of the petitioner before the competent court of law.

(ii) 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.

(iii) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iv) 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 antecedents, 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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