

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29640 of 2023

Arising Out of PS. Case No.-3366 Year-2015 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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1. Arun Singh Son Of Dularoo Singh Village Pahsara, Ps- Navkothi, Distt- Begusarai
 2. Gulshan Kumar Son Of Vinay Ray Village- Bakhri Rampur, Ps- Bakhri, Distt- Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jyoti Singh Son Of Banarasi Singh Resident Of Village- Pahsara, Ps- Navkothi, Distt- Begusarai

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Anil Prasad Singh, APP
For the Complainant	:	Mr. Pritish Kumar Lal, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 04-10-2023 Heard Mr. Manoj Kumar Singh, learned counsel for the petitioners, Mr. Pritish Kumar Lal, learned counsel appearing on behalf of the complainant as well as Mr. Anil Prasad Singh, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Complaint Case No. 3366 'C' of 2015, dated 14.12.2015 for the offences punishable under Sections 461, 323, 504, 420/34 of the Indian Penal Code.

3. According to prosecution case, the complainant and his friend have given Rs. 6 lakhs to co-accused, Nitish Kumar who gave the joining letter but the services were not confirmed



and accordingly the complainant and his friend started demanding his money back but the same was not returned by the accused persons.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that from perusal of the complaint petition it appears that there is no allegation of any payment against these petitioners and in fact, there is direct and specific allegation against co-accused persons, namely, Nitish Kumar and Shankar Prasad and the complainant have handed over the amount in question to the co-accused, Nitish Kumar and the petitioner no. 1, namely, Arun Singh is the father of Nitish Kumar so he have been implicated in this present case and the petitioner no. 2, namely, Gulshan Kumar have no concern at all with the present occurrence and due to village politics he have been implicated in this case.

5. The learned counsel appearing on behalf of the complainant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioners and submits that the complainant has given the amount in question to the co-accused persons.

6. Considering the aforesaid facts and circumstances,



let the petitioners, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 the learned Sub Judge cum Additional Chief Judicial Magistrate, Bakhri, Begusarai in connection with Complaint Case No. 3366 'C' of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

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 antecedent, 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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