

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36938 of 2023

Arising Out of PS. Case No.-514 Year-2022 Thana- PATLIPUTRA District- Patna

Rakesh Mishra @ Rakesh Kumar Mishra S/O Krishnadhar Mishra R/o
Village Misir Tola P.S. Benipatti District Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Madhukar Anand, Advocate
For the Informant	:	Mr. Manoj Kumar, Advocate
For the Opposite Party/s	:	Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-09-2023 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
27.09.2022, in connection with Patliputra P.S. Case No. 514 of
2022, F.I.R. dated 24.08.2022 registered for the offences
punishable under Sections 406, 420 & 467 of the Indian Penal
Code.

3. Allegation against the petitioner is that he has
cheated an amount of Rs. 55,70,000/- from the informant.

4. Learned counsel for the petitioner submits that
the petitioner is innocent and he has been falsely implicated in
the present case. He further submits that the petitioner was



doing a business of land brokerage and as per allegation in the F.I.R. the petitioner has received Rs. 55,00,000/- (Fifty Lacs) from the informant in lieu of the land in question. He further submits that he has received Rs. 30,00,000/- on 26.06.2020 and Rs. 25,00,000/- on 07.08.2020 from the informant and the same amount was handed over to the co-accused/land owner namely Amit Kumar Singh and thereafter an agreement dated 25.01.2021 between Amit Kumar Singh and the informant in which the Amit Kumar Singh accepted that he has received Rs. 55,00,000/- which was received by the petitioner from the informant. Learned counsel for the petitioner further submits that in the good faith the petitioner had issued a cheque in favour of the informant but the informant has not filed the complaint petition which was required under the Negotiable Instruments Act and he has filed the present F.I.R. for dishonor of cheque which is not maintainable in the eye of law and it has come during investigation in the case diary that the petitioner has handed over all the Rs. 55,00,000/- to the co-accused namely Amit Kumar Singh and he has no concern at all with the amount in question and he has only Rs. 70,000/- from the Amit Kumar Singh as a brokerage. He further submits that the police after investigation submitted chargesheet against the petitioner



and the petitioner is in custody since 27.09.2022.

5. The learned Additional Public Prosecutor for the State as well as learned counsel appearing on behalf of the Informant, vehemently opposed the prayer for bail of the petitioner and submit that it is admitted position that the petitioner has received Rs. 55,00,000/- from the informant but fairly submits that thereafter the petitioner and other co-accused persons had signed the agreement dated 25.01.2021 in which co-accused Amit Kumar Singh has accepted that he has received Rs. 55,00,000/- which was deposited by the informant before the present petitioner and apart from the aforesaid, one case is pending of similar nature against the petitioner.

6. Considering the facts and circumstances of the case and the period of custody, 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 Additional Chief Judicial Magistrate-X, Patna in connection with Patliputra P.S. Case No. 514 of 2022, 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 witness, 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 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)

Ibrar//-

U		T	
---	--	---	--

