

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40653 of 2023

Arising Out of PS. Case No.-416 Year-2022 Thana- CHHAURADANO District- East
Champaran

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1. SIKANDAR KUMAR SON OF RAM CHANDRA SAH @
RAMCHANDRA PRASAD VILLAGE THAKUR BARI PS TOWN
MOTIHARI DISTRICT EAST CHAMPARAN
 2. RAM CHANDRA SAH @ RAM CHANDRA PRASAD SON OF LATE
HIDAYAT SAH VILLAGE THAKUR BARI PS TOWN MOTIHARI
DISTRICT EAST CHAMPARAN
 3. AKASH KUMAR SON OF RAM CHANDRA SAH @ RAMCHANDRA
PRASAD VILLAGE THAKUR BARI PS TOWN MOTIHARI DISTRICT
EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar No.III, Adv.
For the Opposite Party/s : Mr.Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 05-10-2023 Heard Mr. Sunil Kumar No. III, learned counsel for

the petitioners and Mr. Arun Kumar Singh, learned A.P.P. for

the State.

The petitioners apprehend their arrest in
connection with Chhauradano (Mahuawa) P.S. Case No. 416
of 2022 G.R. No. 1244 of 2022 registered for the offence
under Sections 406, 420, 467, 468, 471 and 120B of the
Indian Penal Code.

The case relates to transaction of money to the
tune of Rs. 5,32,000/- in the form of loan between the



parties and allegedly the amount of loan was embezzled by the petitioners.

Learned counsel appearing for the petitioners submits that the petitioners, who are of clean antecedent, are innocent and have falsely been implicated in this case. He further submits that the allegation, as alleged in the F.I.R., is false and fabricated and the petitioners have not committed any offence. He further submits that the petitioners have never received any amount of loan from the informant and even the informant has not produced any chit of paper which suggest that the petitioners have received amount in question. He further submits that on perusal of the F.I.R. it appears that the informant has not disclosed in the F.I.R. that on which date and where given the amount in question to the petitioners. He further submits that the petitioners have never received any amount from the informant and the present case has been filed just to harass the petitioners.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioners have taken loan from the informant according to the F.I.R. but he fairly submits that there is no proof of transaction of money between the parties to suggest that the informant has



given the amount in question to the petitioners.

Considering the facts and circumstances of the case and the nature of offence, let the, above named, petitioners, in the event of his arrest or surrender before the court below within a period of four weeks, 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 learned Judicial Magistrate, Raxaul at Motihari in connection with Chhauradano (Mahuawa) P.S. Case No. 416 of 2020/ G.R No. 1244 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also with the following conditions:-

(1) 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 canceled 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.

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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