

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39355 of 2023

Arising Out of PS. Case No.-510 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

=====

LAL BABU SINGH @ DR. LAL BABU SINGH son of Ramdev Singh R/o
Mohalla- Nala Road Langar Toli Gali, Shanti Bhawan P.S- Kadam Kuan
Dist- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. RAM BALAK PRASAD S/O- DAMODAR PRASAD CHAUHAN Village-
Saidpur P.S- Barh Dist- Patna

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Mukul Jee, Advocate

For the Opposite Party/s : Mr.Satyendra Narayan Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 17-10-2023 Heard Mr.Mukul Jee, learned counsel for the

petitioner and Mr.Satyendra Narayan Singh, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Complaint Case No.510 of 2022 registered for
the offences punishable under Section 406 of IPC.

3. The prosecution case, in short, is that on
04.05.2022 Ram Balak Prasad filed a complaint case alleging
inter alia that the petitioner has invited to start a medicine shop
in his hospital and for that the complainant gave Rs.2,20,000/-
(Two Lacs Twenty Thousand) through the S.B.I. Bank account
of Amritesh Rajeev Ranjan and Rs.80,000/- (Eighty Thousand)



to the petitioner. Total 3,00,000/- (Three Lacs) complainant paid to the petitioner and opened medical shop in his Hospital. It is further stated that due to some reason on 23.12.2021 the shop was closed and the complainant demanded his security money on 15.07.2022, the complainant demanded his amount through mobile but the petitioner refused to return.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. Further submits that out of Rs.3,00,000/- (Three Lacs), the petitioner has already credited Rs.1,15,000/- in the account of the complainant/opposite party No.2 and he has paid a cash of Rs.80,000/- to the complainant/opposite party No.2 and he has also credited Rs.30,000/- in the account of the complainant/opposite party No.2 and rest of Rs.75,000/- he will pay at time of furnishing his bail bond.

5. Learned counsel for the complainant and learned APP for the State, on the other hand, have vehemently opposed the prayer for anticipatory bail of the petitioner and submits that the petitioner carries two more cases other than the present one but fairly submits that the petitioner is on bail in both the cases, as mentioned in para-3 of the anticipatory bail petition.

6. Considering the aforesaid facts, let the petitioner,



above named, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Barh, Patna in connection with Complaint Case No.510 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) At the time of furnishing bail bond, the petitioner shall deposit Rs. 75,000/- by way of demand draft in favour of the complainant, namely, Ram Balak Prasad before the learned court below and the learned court below is directed to hand over the said demand draft to the complainant or his representative.

(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/her absence on two consecutive dates without sufficient reason, his/her bail bonds shall be cancelled by the Court below.

(III) If the petitioner tamper with the evidence or the witnesses, 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/her 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)

Nitesh/-

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

