

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52053 of 2023

Arising Out of PS. Case No.-3 Year-2023 Thana- BARAHAT District- Banka

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MANOJ KUMAR YADAV @ MANOJ KUMAR SON OF DEBU YADAV
RESIDENT OF VILLAGE- NEEMA, P.S.- GHANSHYAMPUR, DISTRICT-
DARBHANGA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anand Kumar Ojha

For the Opposite Party/s : Mr.Raj Ballabh Singh

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 11-10-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Barahat P.S. Case No. 03 of 2023 registered on 09.01.2023
lodged under Sections 406, 420, 34 of the Indian Penal Code

3. As per the prosecution case, F.I.R. has been lodged
against four named accused persons including the petitioner.

4. It has been alleged by the informant that for the
purpose of providing employment to the informant and one of
his friend, four F.I.R. named accused persons have induced them
to pay Rs. 38 lakhs. It has also been alleged that the said
amount has been transferred in the account of the present
petitioner for which proof of the transaction has also been



inserted.

5. Counsel further submits that petitioner is innocent and has committed no offence. He further submits that petitioner is in custody since 25.03.2023 having no criminal antecedent. He submits that the alleged transfer has been made in the year 2020 but F.I.R. has been lodged in 2023 i.e. lapse of about three years. Upon conclusion of investigation, the chargesheet has already been filed in this case on 22.05.2023. Counsel further submits that petitioner is ready to face the trial, and therefore, keeping him in jail shall not serve any purpose particularly when there is no allegation of his absconding or to tamper the witnesses. In support of his contention, learned counsel for the petitioner relied on a latest judgment of Hon'ble Supreme Court decided in the case of *P. Chidambaram Vs Directorate of Enforcement* reported in *2020 (13) SCC 791*.

6. Counsel also submits that petitioner is ready to fulfill all the condition ready to fulfill all the conditions, whatsoever shall be imposed upon him

7. Learned counsel for the State opposes the prayer for bail.

8. Counsel for the informant vehemently opposes the prayer for bail and submits that the petitioner is the person in



whose account the alleged transfer has been made which he refused to return. Counsel for the informant also submits that charge has already been framed in this case and evidence of informant's witnesses has been recorded.

9. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka, Bihar in connection with Barahat P.S. Case No. 03 of 2023, subject to the condition laid down under Section 437(3) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or



promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

10. With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

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