

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55685 of 2023

Arising Out of PS. Case No.-1699 Year-2022 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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Gautam Kumar Son Of Late Shankar Chaudhary Resident Of Village -NAYA
Ganv, Po- Basdeopur, Ps- Kotwali , Distt- Munger

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rajesh Kumar Shah Son Of Rajendra Shah Resident Of Village- Dan Nagar,
Ward No. 3, Ps- Nagar (KHAGARIA), Distt- Khagaria

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Niraj Parihar, Advocate
For the Opposite Party/s	:	Ms. Rina Sinha, APP
For the complainant	:	Mr. Sandip Kumar Gautam, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 13-12-2023 Heard Mr. Niraj Parihar, learned counsel for the

petitioner, Mr. Sandip Kumar Gautam, learned counsel
appearing on behalf of the complainant as well as and Ms. Rina
Sinha, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Complaint Case No. 1699 of 2022, dated
12.09.2022 for the offences punishable under Sections 323, 406,
420 and 504 of the Indian Penal Code.

3. According to prosecution case, all the accused
persons including the petitioner have committed fraud with the
complainant. It is further alleged that when the complainant
demanded his money back then all the accused persons abused



him.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that from perusal of the complaint petition it appears that the complainant has given number of cheques in favour of Perfect Kirana Mart Pvt. Ltd. He further submits that as per the allegation in the complaint petition the complainant has given Rs. 50,000/- to the petitioner and in lieu of that the petitioner has given a cheque of Rs. 50,000/- but the same was dishonoured by the concerned bank.

5. Learned counsel for the petitioner outrightly submits that he is ready to pay Rs. 50,000/- to the complainant.

6. 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 petitioner and submits that due to motivation of the petitioner the complainant has given the cheque to the Mart and the petitioner is the main person.

7. Considering the aforesaid facts and circumstances, let the petitioner, 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) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai in connection with Complaint Case No. 1699 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. Petitioner shall furnish a demand draft of Rs. 50,000/- in favour of the complainant, namely, Rajesh Kumar Sah and the same shall be deposited at the time of furnishing bail bond and the learned Court 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

iii. 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.

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 criminal antecedent, 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)

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