

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47830 of 2022**

Arising Out of PS. Case No.-1316 Year-2021 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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RAJESH KUMAR S/o Late Satrugan Prasad Mahto R/o vill. - Hasanpur,
P.S.- Teghra, Dist.- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar
2. MADHU KUMARI W/o- Abhay Kmar Singh R/o- Daniyalpur Ward No. -4,
Nagar Panchayat, P.S.- Teghra, Dist.- Begusarai.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey, Adv.

For the Opposite Party/s : Mr. Dilip Kumar No.1, APP.

Mr. Rakesh Kumar, Adv.

Mr. Arun Kumar Pandey, Adv.

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

6 17-03-2023 Heard the parties.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 420, 467, 468, 471, 504, 506/34 of the Indian Penal Code.

Allegedly, petitioner along with other accused persons cheated the complainant and took Rs. 23,00,000/- from the complainant. When the complainant and his husband approached to the accused persons upon which they assured that they will repay the amount and take back the land but they did not return the money.



It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took place. He has been falsely implicated in this case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The name of the petitioner has been dragged in this case by saying that the petitioner's cousin was the man who has become the witness of the said sale deed and even there is no allegation of misrepresentation of any unlawful gain. Petitioner has no intention to deceit anyone as such he is an officer in the reputed bank. It is further submitted that after going through the entire case records, it comes that the petitioner has got no deceitful intention never ever as such the allegation of cheating in accordance with the complaint case is not being corroborative to the fact that the Jamabandi of the said land was going on in the name of the petitioner and after due verification of the possession as well as the land records, the complainant and her husband has decided to get the sale deed executed in their name and there is no allegation of taking anything illegal/wrongfully from the complainant and her husband. It is further submitted that the petitioner is ready to return Rs.20,00,000/- (Rupees Twenty Lakhs) to the informant



in eight equal installments within eight months. It is also submitted that the petitioner will pay Rs.2,50,000/- (Rupees Two Lakhs Fifty Thousand) to the informant at the time of furnishing his bail bond. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on **provisional bail** for a period of one year, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Complaint Case No.1316 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

The learned Court below is directed to accept the bail bond of the petitioner after satisfying himself that the petitioner has paid Rs.2,50,000/- (Two Lakhs Fifty Thousand) to the informant. It is further directed that the provisional bail of the petitioner shall be confirmed after the payment of the remaining amount i.e. 17,50,000/- to the informant within next seven months as submitted by learned counsel for the petitioner in the



foregoing paragraph.

Accordingly, with the aforesaid direction, this application stands disposed of.

(Anjani Kumar Sharan, J)

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