

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58186 of 2023

Arising Out of PS. Case No.-1494 Year-2019 Thana- NALANDA COMPLAINT CASE
District- Nalanda

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Mahendra Yadav Son Of Late Rama Nand Yadav Resident Of Village-
Dhimoy, Ps -HARNAUT (OP Gokhulpur), District- Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pappu Kumar Son Of Shatrughan Lal Resident Of Village- Chotti Mudhari,
Po- Mudhari, Ps- Harnaut, Distt- Nalanda

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Anshu Dhar Sharma, Advocate
	:	Mrs. Sonam Griyaghey, Advocate
For the State	:	Mrs. Madhuri Lata, APP
For the Complainant	:	Mr. Ravi Prakash, Advocate
	:	Mr. Purshottam Sharma, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 13-09-2023 Heard learned counsel for the petitioner, learned

counsel appearing on behalf of the informant as well as learned

Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
01.06.2023 in connection with Complaint Case No.- 1494(C) of
2019, F.I.R. dated 18.11.2019 for the offences punishable under
Section 406 of the Indian Penal Code.

3. According to prosecution case, the petitioner is
alleged to have refused to perform the marriage of his son with
the sister of the complainant and also on fixation of marriage,
which was fixed between them at Rs. 16,00,000/-, from which



only Rs. 11,00,000/- was returned to the complainant by the petitioner.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and he has not committed any offence. He further submits that the petitioner has received Rs. 11,00,000/- and he has refunded Rs. 11,00,000/- by way of bank transfer (Annexure-2). He further submits that as per the complaint petition, the complainant has given Rs. 16,00,000/- to the petitioner but there is no proof to suggest that the complainant has given Rs. 16,00,000/- to the petitioner. He further submits that it appears from Annexure-2 that before the filing of present complaint, the petitioner has given Rs. 11,00,000/- to the complainant by way of bank transfer. Hence, no case is made out under Section 406 of the Indian Penal Code. The petitioner is in custody since 01.06.2023.

5. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and submits that the complainant has given Rs. 16,00,000/- to the petitioner but all the amount given to him is in the form of cash.



6. Considering the aforesaid facts and circumstances that all the amount has been returned back to the complainant by way of bank transfer, let the petitioner, above named, 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 Nalanda at Biharsharif in connection with Complaint Case No.- 1494(C) of 2019, subject to the following conditions:-

i. 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.

ii. 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.

iii. 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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