

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51203 of 2023

Arising Out of PS. Case No.-317 Year-2023 Thana- TURKAULIYA District- East
Champaran

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1. SURESH BHAGAT @ SURESH PRASAD Son of Bhola Prasad Resident of village - Bhauli Dih, P.s. - Salempur Rajepur, Distt. - East Champaran at Motihari
 2. Radha Devi Wife of Suresh Bhagat @ Suresh Prasad Resident of village - Bhauli Dih, P.s. - Salempur Rajepur, Distt. - East Champaran at Motihari
 3. Raushan Kumar @ Raushan Son of Suresh Bhagat @ Suresh Prasad Resident of village - Bhauli Dih, P.s. - Salempur Rajepur, Distt. - East Champaran at Motihari

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Anil Kumar, Adv.
For the Opposite Party/s	:	Mr.Bharat Bhushan, APP
For the Informant	:	None

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 11-12-2023 Heard learned counsel for the petitioners and learned APP for the State. Though vakalatnama is filed on behalf of the informant but nobody appears on her behalf today.

2. The petitioners apprehend their arrest in a case registered for the offence punishable u/s 406, 420 of the IPC.

3. As per the prosecution case, it is alleged that co-accused Sandeep Kumar took Rs.2.20 Lacs from the informant for investment and after some time, when she demanded it back, he assured to pay the same in seven installments but he did not return the same. It is further alleged that co-accused transferred



Rs.1,08,000/- in the account of petitioner no.2 (mother of the co-accused Sandeep Kumar) from the mobile of the informant.

4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. Petitioners have been made accused in this case on the basis that they are the family members of the co-accused Sandeep Kumar. There is no specific overt act against the petitioners. The specific allegation is against the co-accused Sandeep Kumar, who is alleged to have transferred Rs.1,08,000/- in the bank account of petitioner no.2 by fraudulence from the mobile of the informant. It is further submitted that petitioner no.2 is ready to return the said amount. A supplementary affidavit has been filed in this regard on behalf of the petitioners stating therein that the petitioner no.2 is willing to return the said amount of Rs.1,08,000/- to the informant and it has been submitted by learned counsel for the petitioners that the said amount will be returned to the informant by the petitioner no.2 within four weeks. Petitioners have no criminal antecedent.

5. Learned APP for the State opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, since the petitioner no.2 is agreed to return the aforesaid amount



to the informant within four weeks, let the above named petitioners, be released on bail, in the event of their 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) each 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 Turkauliya P.S. Case No.317 of 2023, G.R. Case No.1628 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. However, learned Court below is directed to accept the bail bond of the petitioners after they show the receipt of the return of the aforesaid amount to the informant/complainant.

(Anjani Kumar Sharan, J)

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