

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55969 of 2023

Arising Out of PS. Case No.-225 Year-2023 Thana- KAHALGAON District- Bhagalpur

NIKESH KUMAR SON OF LATE JAIRAM YADAV R/O-MADHUBAN
TOLA, P.S.-PIRPAINTY, DISTT.-BHAGALPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Swapnil Kumar Singh, Adv.
For the Opposite Party/s	:	Mr.Shantanu Kumar, APP
For the Informant	:	Mr.Madan Mohan, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 15-09-2023 Heard learned counsel for the petitioner, learned counsel
for the informant and learned APP for the State.

2. The petitioner apprehends his arrest in a case registered
for the offence punishable u/s 341, 323, 504, 506, 406, 420/34
of the IPC and $\frac{3}{4}$ of Dowry Prohibition Act.

3. Allegedly, the informant alleged that petitioner in
conspiracy with other co-accused cheated Rs.8,00,000/- from
him in the name of marriage and false representation that
petitioner is a Government employee. Later on petitioner neither
solemnized marriage with the informant's daughter nor returned
the aforesaid amount and is also circulating the edited picture of
her daughter.

4. It is submitted by learned counsel for the petitioner that



petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case due to ulterior motive. No such occurrence, in the manner as alleged, has ever taken place. It is submitted that the informant alleges that he gave Rs.2 Lac in the bank account and Rs.6 Lacs in cash to the brother of petitioner but the same is not true. The marriage could not settle, thereafter petitioner has returned Rs.2 Lac to the informant. Petitioner has no criminal antecedent.

5. Learned APP for the State as well as learned counsel for the informant opposed the prayer for bail by submitting that the informant has also paid Rs.80,000/- to the brother of the petitioner.

6. On this point, learned counsel for the petitioner submits that the petitioner is agreed to return the said Rs.80,000/- to the informant at the time of furnishing the bail bond and learned counsel for the informant is also agreed on that point.

7. Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, 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 Kahalgaon (Ghogha) P.S. Case No.225/2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. Learned Court below is directed to accept the bail bond of the petitioner after the petitioner returns the aforesaid Rs.80,000/- to the informant.

(Anjani Kumar Sharan, J)

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