

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38745 of 2022

Arising Out of PS. Case No.-161 Year-2018 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Arun Kumar @ Pintu @ Arun Kunwar Son of Srinivas Kumar Resident of
village- Heeranand, P.S.- Pirpaiti, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 53884 of 2022

Arising Out of PS. Case No.-161 Year-2018 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Sonu Kumar @ Sonu Pandey Son of Kaushal Kishore Pandey @ Munna
Pandey R/V- Prasasthadih, P.S- Sabour, Dist- Bhagalpur, State- Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 38745 of 2022)

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Advocate

For the Opposite Party/s : Mr. Rajesh Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 53884 of 2022)

For the Petitioner/s : Mr. Anshul Kumar

Mr. Nachiketa Jha, Advocates

For the Opposite Party/s : Mr. Madan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

9 22-08-2023 Heard Mr. Ramakant Sharma, learned Senior counsel

appearing for the petitioner in Cr. Misc. No. 38745 of 2022 and

Mr. Anshul Kumar, learned counsel appearing for the petitioner

in Cr. Misc. No. 53884 of 2022 and learned APP for the State.

2. Petitioners seek bail, who are in custody since



01.05.2022 and 25.06.2022 respectively, in connection with Kotwali (Tilkamanjhi) P.S. Case No. 161 of 2018, F.I.R. dated 13.03.2018 registered for the offences punishable under Sections 406, 419, 420, 467, 468, 471, 120B, 34 of the Indian Penal Code.

3. According to the F.I.R., in March 2017 Arun Kumar @ Pintu contacted the informant by representing himself as P.A. and Joint Secretary and after getting details of his work told him to apply for maintenance work for 31 years by direct tender and also told him to do other formalities for allotment of work. It is further alleged that the accused also showed him his Government I-card and took the documents of his firm from the informant. It is further alleged that for securing work the informant gave Rs. 15 lacs in April 2017, Rs. 25 lacs in May 2017 and paid Rs. 56,55,000/- in October 2017, total payment of Rs. 96,55,000/- was paid by the informant by cash and through ATM card. It is further alleged that when the work was not allocated till December 2017, then the informant contacted the P.W.D. Patna and was surprised to know that no maintenance work tender was offered by Department, thus the informant in planned manner took Rs. 01 Crore 43 lacs 55 Thousand by doing cheating and fraud and still his ATM card is in possession



of the accused persons.

4. Learned Senior counsel for the petitioners submits that the petitioner namely Arun Kumar has clean antecedent whereas petitioner namely Sonu Kumar @ Sonu Pandey carries one more case other than the present one in which he is on bail and they have been falsely implicated in the present case. Learned counsel for the petitioners further submits that the allegation as alleged in the F.I.R. is false and fabricated and nothing handed over to them and having no concern with the alleged transactions.

5. Learned counsel for the petitioners outrightly submits that they are ready to pay Rs. 1,00,000/- (each petitioners) by way of demand draft at the time of furnishing bail bond in favour of the informant and thereafter further Rs. 2,00,000/- (each petitioners) shall be paid within a further period of three months by way of demand draft in favour of the informant.

6. The learned Additional Public Prosecutor for the State, on the other hand, vehemently opposed the prayer for bail of the petitioners.

7. Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail on



furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Kotwali (Tilkamanjhi) P.S. Case No. 161 of 2018, subject to the following conditions :-

(i) Let the petitioners deposit Rs. 1,00,000/- (each petitioners) by way of demand draft in favour of the informant at the time of furnishing bail bond and rest amount of Rs. 2,00,000/- (each petitioners) shall be payable in two equal installments within a period of three months by way of demand draft in favour of the informant. If the petitioners fail to pay any installment, the learned Court below shall be at liberty to cancel the bail bond of the petitioners. Learned Court below is directed to hand over the aforesaid demand draft to the informant or his representative. However, the aforesaid payments shall be subject to final outcome of this case.

(ii) If the petitioners succeed in the trial, the informant shall refund the aforesaid amount of Rs. 3,00,000/- each to the petitioners.

(iii) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(iv) If the petitioners tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(v) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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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