

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63731 of 2023

Arising Out of PS. Case No.-1651 Year-2019 Thana- GAYA COMPLAINT CASE District-
Gaya

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DEEPAK KUMAR SON OF SHIV KUMAR SINGH RESIDENT OF
VILLAGE - AMRA, P.S. - MUFFASIL, DISTRICT - GAYA

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. KUNDAN KUMAR SON OF SURENDRA SINGH RESIDENT OF
VILLAGE - KOSDIHRA, P.O. - CHAND CHAURA, P.S. - N.M.C.H.,
DISTRICT - GAYA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Aryan Singh, Advocate
For the Opposite Party/s :	Mr. Anil Kumar Singh, Advocate
	Mr. Shudhir Kumar Singh, Advocate
	Mr. Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 10-11-2023 Heard the parties.

2. The petitioner is in custody in connection with
Complaint Case No. 1651 of 2019 for the offence under
Sections 406, 420, 467, 468, 471 of the Indian Penal Code and
Section 138 of N.I. Act lodged on 25.07.2022.

3. The informant claims that the petitioner was his
friend since last ten years and as he was in urgent need of the
money, he gave him loan of Rs. 20 lakhs. The petitioner
promised to return the amount within two months and a written
agreement was also made and executed to this effect. Further the
petitioner also gave four cheques worth Rs. 5 lakhs each which



are as follows:-

Cheque No.	Amount	Date
001053	5,00,000/- Five Lakh	05.08.2019
001054	5,00,000/- Five Lakh	20.08.2019
001055	5,00,000/- Five Lakh	05.09.2019
001056	5,00,000/- Five Lakh	20.09.2019

4. Earlier a report was called for on 22.09.2023 which has since been received vide letter no. 51 of 2023 dated 05.10.2023 and according to which the case is running for defense.

5. Taking into account the aforesaid fact that the trial has still not been concluded, this petitioner having clean antecedent and is in custody since 26.09.2021, i.e. for two years, this Court is inclined to extend him the privilege of bail.

6. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of J.M 1st Class, Gaya in connection with Complaint Case No. 1651 of 2019 subject to the following conditions:

- (i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;
- (ii) the petitioner shall appear on each and every date



before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

7. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Jagdish/Sudha-

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