

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70687 of 2022

Arising Out of PS. Case No.-490 Year-2022 Thana- GOVINDGANJ District- East
Champaran

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Ajeet Kumar Dwivedi S/O Late Parshuram Dwivedi Resident of village-
Rariya, P.S.- Govindganj, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 16-03-2023 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of

four weeks from today.

The petitioner seeks bail in connection with

Govindganj P.S. Case No. 490 of 2022 registered for the offence

under Sections 420, 379, 384, 411 and 34 of the Indian Penal

Code (for short 'I.P.C.').

The accused/petitioner is named in the F.I.R. and is in

custody since 28.09.2022.

The allegation against the petitioner is to cheat

informant alongwith other co-accused persons for a cash of Rs.

4,20,000/- (Rupees Four Lac Twenty Thousand) against gold of



the equibalent value.

Learned counsel appearing on behalf of the petitioner submitted that from the bare perusal of the F.I.R. no overt act/participation appears against this petitioner, save and except that the house where informant was sitting and waiting for other named co-accused persons, who are to come with gold against cash of Rs. 4,20,000/- (Rupees Four Lac Twenty Thousand), belongs to this petitioner. It is also pointed out that this is a case of attempt as alleged cash of Rs. 4,20,000/- was not taken away by any of the co-accused persons including petitioner and was remained with the informant. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as petitioner appears only the owner of the house without having any active participation in the occurrence, which is merely appearing an attempt on its face as per F.I.R. coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in



connection with Govindganj P.S. Case No. 490 of 2022 on
furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with
two sureties of the like amount each to the satisfaction of
learned Chief Judicial Magistrate, Motihari, East
Champaran/concerned Court, subject to the conditions as
mentioned under Section 437(3) of Cr.P.C.

(Chandra Shekhar Jha, J)

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