

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73556 of 2023

Arising Out of PS. Case No.-121 Year-2022 Thana- GADHPURA District- Begusarai

SANJEEV YADAV @ SANJEEV KUMAR SON OF GANGO YADAV @
GANGO PRASAD YADAV RESIDENT OF VILLAGE - BARI KEWAL,
P.S. - GADHPURA, DISTRICT - BEGUSARAI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Binode Bariar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 24-11-2023 Heard learned counsel for the petitioner, State as also
the informant.

2. The petitioner is in judicial custody in connection with Gadhpura P.S. Case No. 121 of 2022 for the offence punishable under Sections 406, 420, 506/34 of the Indian Penal Code and further added sections 409, 467, 468, 471 of the Indian Penal Code lodged on 13.11.2022 by the informant, Ashok Kumar.

3. As per the prosecution story, the informant has alleged that the accused persons including this petitioner lured him to invest in onion and potato business to get profit in gross. Accordingly, on regular basis, amounts were transferred to the accounts of Ajay Kumar Yadav and Sakina Devi, his wife which finally came to the tune of Rs. 1,32,52,550/-. However, later he realized that the entire amount has been taken by the accused persons and he is not going to get any profit. As there was



intention to cheat him from the beginning itself, left with no option, the present FIR.

4. Learned counsel for the petitioner submits that he is brother-in-law of the Ajay Kumar Yadav and the only accusation is that he along with his father introduced the informant with his brother-in-law/sister. Further, the learned counsel for the petitioner submits that a bare perusal of the FIR would show that it was the lady Sakina Devi who lured the informant to invest in the business of her husband which prompted him to make payments regularly.

5. He as such submits that even going through the FIR, it is clear that it was the sister of the petitioner, Sakina Devi as also her husband, Ajay Kumar Yadav who after hearing the informant of getting huge profit to the tune of Rs. 5,45,5000/-, made him to pay Rs. 1 crore and odd in the respective bank accounts of the couple. He submits that FIR clearly shows that all the payments have been made in the bank accounts of Sakina Devi and Ajay Kumar Yadav and only because he introduced the informant, has already suffered by being in custody since 23.8.2023 (para-12 of the petition).

6. Learned counsel for the informant on the other hand submits that he had to sell his house in NOIDA as also



take loans from his friends to make payments to the accused persons and in return he got nothing and was facing threat of criminal cases by the friends. As such, this petitioner having introduced him to the husband and wife cannot escape responsibility.

7. Though, it is unfortunate that still the people in order to gain high profits get trapped in the words of accused persons, who remain waiting for innocent people, the fact remains that in the present case, the real culprit is/are the couple namely Sakina Devi and Ajay Kumar Yadav as entire amount has been transferred in the couple's Bank account. Accusation is also against this petitioner of having introduced him to the husband and wife but since the FIR lodged, ultimately he will be facing the trial, has not benefited financially, remained in custody since 23.8.2023, this Court is inclined to extend him the privilege of bail but only after the framing of the charges.

8. Let the petitioner be released on bail after framing of the charges on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate,-1st Class, Begusarai, in connection with Gadhpura P.S. Case No. 121 of 2022 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 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 next 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.

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

(Rajiv Roy, J)

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