

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6895 of 2024

Arising Out of PS. Case No.-3 Year-2023 Thana- MAIRWAN District- Siwan

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Dhananjay Yadav @Guddu Yadav Son of Jay Ram Yadav, Resident of
Village- Malkauli, Barwa, PS- Kotwali Deoria, Dist- Deoria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Siyaram Pandey, Advocate

For the Opposite Party/s : Ms. Rina Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-02-2024 Heard Mr. Siyaram Pandey, the learned counsel for

the petitioner and Ms. Rina Sinha, the learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in

connection with Mairwa PS Case No. 03 of 2023, FIR dated

03.01.2023, registered for the offences punishable under

Sections 420, 467, 468 and 471 read with Section 34 of the

Indian Penal Code.

3. According to prosecution case, one Vinay Kumar

Yadav tricked the informant under the pretext of admission in a

correspondence course. It is further alleged that the informant

submitted his marksheet, photo copy of Aadhar card and

deposited Rs. 2,60,000/- (Rupees two lakhs and sixty thousand)

in the A/C No. 197300030001382 and deposited Rs. 4,80,000/-

(Rupees four lakhs and eighty thousand) through cash. It is also alleged that when the informant demanded his money from Vinay Kumar Yadav at his residence, the petitioner and two more persons assaulted him and snatched a golden chain, a ring and Rs. 3700/- (Rupees thirty seven hundred) from him and threatened him with dire consequences.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that upon perusal of the FIR, it appears that the allegation against the petitioner is that he has introduced the informant to one Vinay Kumar Yadav in the year 2019 while the FIR is instituted in the year 2023, and it also appears from the perusal of the FIR that the informant has made all the transactions with Vinay Kumar Yadav and the said Vinay Kumar Yadav has also issued a cheque in favour of the informant, which was dishonoured due to insufficient balance amount in the account, and there is no role assigned in the FIR against the petitioner.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and the fact that the petitioner has clean antecedent and there is no allegation of any fraud against the petitioner, let the

petitioner, above-named, in the event of his arrest or surrender before the Court below, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-VII, Siwan, where the case is pending in connection with **Mairwa PS Case No. 03 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

(iii). And further condition that the Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the Court below shall take step for

cancellation of bail bond of the petitioner. 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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