

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9862 of 2024

Arising Out of PS. Case No.-1 Year-2023 Thana- NADI P.S. District- Bhagalpur

1. Raj Ranjan Ravi S/O Late Laddu Lal Yadav, R/O Village- Dhadhiya (Dadpur), P.S- Kharik, Distt.- Bhagalpur.
2. Ritesh Kumar @ Abhinav Kumar S/O Late Laddu Lal Yadav R/O Village- Dhadhiya (Dadpur), P.S- Kharik, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Mrs. Vaishnavi Singh, Advocate
For the Informant	:	Ms. Shweta, Advocate
For the Opposite Party/s	:	Mr. Pranav Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-02-2024 Heard Mr. Ajay Kumar Thakur, the learned counsel for the petitioners, Ms. Shweta, the learned counsel for the informant and Mr. Pranav Kumar, the learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Nadi PS Case No. 01 of 2023, FIR dated 04.01.2023, registered for the offences punishable under Sections 323, 341, 420, 406, 504 and 506 read with Section 34 of the Indian Penal Code.

3. According to prosecution case, one Laddulal Yadav asked for Rs. 3,00,000/- (Rupees three lakhs) from the complainant/informant, who in-turn gave him the same in good

faith, in presence of all the accused person who were witnesses.

It is further alleged that when the informant demanded his money back, Laddulal Yadav and other accused persons refused to return the same and threatened him with dire consequences.

4. Learned counsel for the petitioners submits that petitioners have falsely been implicated in the present case. He further submits that upon perusal of the complaint petition/FIR, it appears that the complainant/informant has not disclosed the mode of payment, whether he has cash paid or through the instrument he has paid the amount to the petitioner's father and even in the complaint petition, the complainant has not annexed any document which suggests that the father of the petitioners has received any amount from the complainant/informant. He further submits that the allegation as alleged in the complainant petition/FIR is false and fabricated and the father of the petitioner has never received any money from the complainant/informant.

5. The learned counsel for the informant/complainant and the learned Additional Public Prosecutor for the State have vehemently opposed the prayer for bail of the petitioners and submit that the petitioners are habitual offenders and father of the petitioners has received the amount in question from the

complainant/informant and also the fact that both the petitioners carry seven criminal antecedents and petitioner no. 2 carries one more criminal antecedent other than those seven mentioned. However, the learned counsel for the informant and the learned counsel for the State fairly admit that both the petitioners are on bail in all the said cases.

6. Considering the aforesaid facts and circumstances and the fact that neither the mode of payment has been disclosed nor any document has been annexed by the complainant/informant, which suggests that the petitioners' father has taken the money from him, let the petitioners, above-named, in the event of their 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) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-I, Naugachhia (Bhagalpur), where the case is pending in connection with **Nadi PS Case No. 01 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). 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 bond shall be cancelled by the Court below.

(ii). If the petitioners tamper 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 petitioners and in case, at any stage, it is found that the petitioners have concealed their criminal antecedent, 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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