

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11872 of 2024

Arising Out of PS. Case No.-3366 Year-2015 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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Nitish Kumar S/O- Arun Singh R/O- Village- Pahsara, P.S.- Navkothi, Dist.- Begusarai.

... .. Petitioner/S

Versus

1. The State Of Bihar
2. Jyoti Singh S/O- Banarasi Singh R/O- Village- Pahsara, P.S.- Navkothi, Dist.- Begusarai.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar Singh, Advocate

For the Opposite Party/s : Mr.Ganesh Prasad Singh,APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 28-08-2024 Heard Mr.Manoj Kumar Singh, learned counsel for the petitioner and Mr.Ganesh Prasad Singh, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Complaint Case No.3366'C' of 2015, registered for the offences punishable under Sections 461,323,504,420 & 34 of IPC.

3. According to prosecution case, the complainant and his friend have given Rs. 6 lakhs to the petitioner who gave the joining letter but the services were not confirmed and accordingly the complainant and his friend started demanding his money back but the same was not returned by the accused



persons.

4. Vide order dated 12.03.2024 notice was issued to the opposite party No.2 but it appears from the office report that the opposite party No.2 refused to accept the notice.

5. Learned counsel for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. The allegation as alleged in the complaint petition is false and fabricated and the petitioner has not committed any offence as alleged in the complaint petition and despite of notice of this Court, the complainant has not chosen to appear before this Court and the allegation as alleged in the complaint petition is false and fabricated and the and the petitioner has not received any amount from the complainant.

6. Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner.

7. Considering the aforesaid facts and petitioner has clean antecedent, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub Judge-cum-ACJM, Bakhri Begusarai in connection



with Complaint Case No.3366'C' of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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/her absence on two consecutive dates without sufficient reason, his/her 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/her 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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