

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26159 of 2024

Arising Out of PS. Case No.-49 Year-2023 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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1. Tripti Kumari W/o- Arvind Kumar Singh, R/o Vill- Chhatauna, P.S- Nokha, Dist- Rohtas.
 2. Arvind Kumar Singh s/o- Late Kanhaiya Prasad Singh, R/o Vill- Chhatauna, P.S- Nokha, Dist- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Hiramuni Devi W/o- Late Satyendra Singh, R/o Vill- Chanka, P.S.- Nokha, Dist- Rohtas.

... .. Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Ramashray Roy, Advocate
For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 07-05-2024 Heard Mr. Ramashray Roy, the learned counsel for the petitioners, the learned counsel for the informant and Mr. Ashok Kumar Singh, the learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Rohtas Complaint Case No. 49 of 2023, FIR/Complaint petition dated 10.01.2023, registered for the offences punishable under Sections 406 and 420 of the Indian Penal Code and under Section 138 of NI Act.

3. According to prosecution case, the petitioners along with one Bharat Kumar Dubey embezzled Rs. 15,00,000/- (Rupees



fifteen lakhs) in different modes from the complainant/informant under the pretext of executing a sale-deed. It is further alleged that when the son of complainant/informant threatened to take legal action against the petitioners and co-accused, petitioner no. 2 gave a cheque of Rs. 5,00,000/- (Rupees five lakhs) to the complainant which was dishonoured due to insufficient amount. Similarly, the co-accused person Bharat Kumar Dubey gave three different cheques of 1,00,000/- (Rupees one lakh) each, out of which two cheques were returned by the bank due to insufficient balance.

4. Learned counsel for the petitioners submits that petitioners have falsely been implicated in the present case, but on instruction he fairly admits that petitioners are ready to return the dues amount i.e., Rs. 4,00,000/- (Rupees four lakhs) to the complainant/informant within a period of six months. The learned counsel for the informant/complainant fairly submits that now Rs. 3,70,000/- (Rupees three lakhs and seventy thousand) is dues against the petitioners and learned counsel for the petitioners submits that they are ready to pay the dues amount i.e., Rs. 3,70,000/- (Rupees three lakhs and seventy thousand) to the complainant/informant within a period of six months and they shall pay Rs. 1,00,000/- (Rupees one lakh) at the time of furnishing the bail bond by way of demand draft in favour of the complainant/informant namely, Hiramuni Devi and the learned



trial Court is directed to hand over the said demand draft to the complainant/informant or her representative and the rest amount of Rs. 2,70,000/- (Rupees two lakhs and seventy thousand) shall be paid in five equal installments and if the petitioners have not paid the aforesaid amount to the complainant/informant, the complainant/informant shall be at liberty to move before the learned trial Court for cancellation of the bail bond of the petitioners.

5. The learned counsel for the informant/complainant as well as the learned Additional Public Prosecutor for the State have no objection to the aforementioned contentions made by the learned counsel for the petitioners.

6. Considering the aforesaid facts and circumstances, let the petitioners, above-named, in the event of their arrest or surrender before the trial Court, 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-cum-Sub-Judge-8, Rohtas at Sasaram, where the case is pending in connection with **Rohtas Complaint Case No. 49 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 trial Court and shall remain physically present as directed by the trial Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the trial Court.

(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 trial Court 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 trial Court 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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