

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35702 of 2024

Arising Out of PS. Case No.-1296 Year-2022 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

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Lakshmi Kumar Son Of Raghunath Sah R/O- Tenant Of Ramesh Gupta Near
Sarveshwar Mandir, Janki Asthan, Ward No -5, Sitamarhi, Distt- Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar
2. Satish Kumar Son Of Raj Kishore Prasad R/O- Mohalla- Satyadeopuri,
Ward No - 18 P.S - Sitamarhi, Distt- Sitamarhi.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Rajneesh Kumar Tiwari, Advocate
For the Opposite Party/s	:	Mr. Anil Kumar, APP
For the complainant	:	Mr. Ranjeet Kumar Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 26-10-2024 Heard Mr. Rajneesh Kumar Tiwari, learned counsel

for the petitioner, Mr. Ranjeet Kumar Mishra, learned counsel

for the complainant and Mr. Anil Kumar, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Complainant Case No. 1296 of 2022 for the
offences punishable under Section 406 of the Indian Penal Code
and Section 138 of the N.I. Act.

3. According to prosecution case, the complainant has
given Rs. 4,30,000/- to the petitioner as a loan. On that day, the
petitioner assured the complainant to return the money with
interest within six months but he has not returned the same to



the complainant.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. Learned counsel for the petitioner on the instruction outrightly submits that the petitioner is ready to pay Rs. 4,30,000/- (four lakh thirty thousand) to the complainant, namely, Satish Kumar. He further submits that the petitioner is ready to pay Rs. 50,000/- (fifty thousand) by way of demand draft at the time of furnishing the bail bond of the petitioner and rest 3,80,000 (three lakh eighty thousand) will be paid every month in ten equal installments starting from December, 2024.

5. Learned counsel for the complainant has not objection in this regard.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of 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 the learned C.J.M., Sitamarhi in connection with Complaint Case No. 1296 of 2022, subject to the conditions as laid down under Section



438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioner is directed to produce the demand draft of Rs. 50,000/- in favour of the complainant at the time of furnishing the bail bond and the learned Court below is directed to hand over the said demand draft to the complainant or his relative. If the petitioner fails to pay any installment as stated above, the complainant is at liberty to move before the learned Court below for the cancellation of the bail bond of the petitioner.

ii. 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.

iii. 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.

iv. 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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