

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41798 of 2023

Arising Out of PS. Case No.-457 Year-2022 Thana- BUDDHACOLONY District- Patna

Piyush @ Piyush Kumar, S/O Late Ranjit Singh, R/O Village- Golghar Park Road, P.S. Gandhi Maidan, Dist. Patna.

... .. Petitioner

Versus

1. The State Of Bihar.
2. Dharambir Kumar, Male, S/O Late Ramdayal Prasad, R/O Golghar Tiraha Masjid Gali, P.S. Boddha Colony, Patna.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Anand Vardhan, Advocate
For the O.P. No. 2	:	None.
For the State	:	Mr. Dr. Mrityunjaya Kr. Gautam, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

11 08-04-2024 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State. However, learned counsel for the opposite party no. 2 is not present despite service of notice upon him.

2. The petitioner is apprehending his arrest in connection with Buddha Colony P.S. Case No. 457 of 2022 dated 16.09.2022 registered for the offences punishable under Sections 420 and 379 of the I.P.C.

3. As per the prosecution case, the informant opened his bank account in the Bank of Baroda bearing A/C No. 55680100004354 containing Rs. 3,84,056/-. It is further submitted that the co-accused Shashi Bhushan, the elder brother



of the petitioner, had linked his Mobile No. 9852609590 without the knowledge of the informant and withdrew some amounts and most of the amount was transferred in the bank account of the petitioner.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. It is submitted that the co-accused Shashi Bhushan and the informant are friends and due to that reason, the informant himself had linked the mobile number of the co-accused Shashi Bhushan in his bank account. It is further submitted that the co-accused Shashi Bhushan had deposited some money in the bank account of the petitioner on the instruction of the informant himself which was later withdrawn in cash and given to the informant. It is submitted by learned counsel for the petitioner that as per paragraph no. 2 of the supplementary affidavit filed by the petitioner, the petitioner has paid Rs. 1,02,000/- which was transferred in the account of the petitioner from the account of the informant. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.



6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court concerned, Patna in connection with Buddha Colony P.S. Case No. 457 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition:-

(I) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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