

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No. 46044 of 2024**

Arising Out of PS. Case No.-17 Year-2023 Thana- NAVINAGAR District- Aurangabad

Mahendra Ram Son of Ramnandan Ram Resident of Village- Bhawanokhap,  
Ward No. 12, P.S.- Nabinagar, District- Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Binod Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

2      24-07-2024

Heard the parties.

2. The petitioner is apprehending his arrest in connection with Navinagar P.S. Case No. 17 of 2023 for the offence punishable under sections 323, 504, 506, 120(B), 420, 467/34 of the I.P.C. lodged on 09.01.2023 by the complainant, Shashi Bhushan Jaiswal.

3. As per the prosecution story, the complainant alleged that on promise of getting the loan from the back to the tune of Rs. 10,00,000/-, the complainant approached the petitioner who took the essential papers as also Rs. 40,000/- but failed to abide by the promise. When the complainant demanded money, was threatened. This led to the present case.

4. Learned counsel for the petitioner submits that he is a poor person and had no role to play nor took the money but nonetheless as the allegation has come, he is ready to pay the same in two installments inasmuch as Rs. 20,000/- at the time of



the execution of the bail bond and rest Rs. 20,000/- within thirty days.

5. Mr. Bharat Bhushan, learned APP opposes the prayer submitting that on the false promise of getting loan, the petitioner took Rs. 40,000/- and when he demanded it back, was threatened.

6. Though there is allegation against the petitioner, in view of the fact that he is ready to pay the amount in two installments and further, he do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail subject to following conditions:

(i) he shall be paying Rs. 20,000/- by way of Bank draft issued by the local State Bank of India addressed to the complainant, Shashi Bhushan Jaiswal;

(ii) the remaining Rs. 20,000/- will again be paid addressed to Shashi Bhushan Jaiswal within thirty days in the form of Bank draft issued by the local State Bank of India.

7. Both the Bank drafts shall be submitted to the concerned court who shall hand it over to the complainant, Shashi Bhushan Jaiswal after checking his credentials.

8. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the



receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned A.C.J.M., I, Aurangabad, in connection with Navinagar P.S. Case No. 17 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

**(Rajiv Roy, J)**

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