

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47635 of 2024

Arising Out of PS. Case No.-982 Year-2023 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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Gulam Haidar Jeelani Son Of Mohammad Israil @ Md. Israil Ansari,
Resident Of Sara Mohanpur, Sara Mohammad, District - Darbhanga (Bihar).
At Present B-178, Road No. A/4, Alinagar Colony, P.S. - Anisabad, District -
Patna, Bihar, Pin - 800002.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Ramesh Kumar Pandey Son Of Late Shiv Kumar Pandey, Resident Of
Mohalla - Premchand Path, Gaurakhshni, P.S. - Sasaram (Nagar), District-
Rohtas.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nishant Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Murli Dhar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-08-2024 Heard Mr. Nishant Kumar Sinha, the learned

counsel for the petitioner, the learned counsel for the informant

and Mr. Murli Dhar, the learned Additional Public Prosecutor

for the State.

2. The petitioner is apprehending his arrest in

connection with Rohtas Complaint Case No. C-982 of 2023,

registered for the offences punishable under Sections 406, 420

and 504 of the Indian Penal Code.

3. According to the prosecution case, the

complainant, who happens to be a Government Contractor,

entered into a contract with the accused person. Thereafter, as



per demand, rupees twenty-seven lakhs were transferred into the account of the accused person by way of account transfer and cash. It is further alleged that when the work was stopped, the complainant contacted the accused person, who then replied that he has spent the money on treatment of his ill wife and again demanded some more money. Thereafter, the complainant paid Rs. 40,000/- (Rupees forty thousand), so that he can take mortgage loan by financial company. It is further alleged that when the complainant demanded his money back from the accused person, he threatened to kill and ransom.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case and the allegation levelled in the complain petition is false and fabricated and the petitioner has not committed any offence as alleged in the complaint petition. He further submits that the complainant in the complaint petition alleges that petitioner has taken about twenty-seven lakhs and he did not complete the alleged work as per the agreement. He further submits that the petitioner and complainant had entered into an agreement in the year 2019 itself and pursuant thereof, the petitioner has completed the work in question and thereafter, he has received some of the



amount from the complainant and thereafter, he sent a legal notice to the complainant with respect to dues amount, thereafter, the complainant has filed the present complaint petition and he has not given reply to the notice of the petitioner.

5. The learned counsel for the complainant as well as the learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that from bare perusal of the complaint petition, it appears that petitioner has not returned rupees twenty-seven lakhs to the complainant.

6. Considering the aforesaid facts and circumstances and the mainly the fact that petitioner has clean antecedent, let the petitioner, above-named, in the event of his arrest or surrender before the learned 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) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Rohtas at Sasaram, where the case is pending in connection with **Rohtas Complaint Case No. C-982 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:



(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(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 learned trial Court 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 learned trial Court 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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