

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.47733 of 2024**

Arising Out of PS. Case No.-25 Year-2023 Thana- VAISALI COMPLAINT CASE District-  
Vaishali

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Mukesh @ Mukesh Kumar S/O Late Laldeo Rai R/O village- Narayanpur  
Dedhpura, PS- Mahnar, Dist- Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ramnarayan Rai S/O Late Ramashish Rai R/O village- Narayanpur  
Dedhpura, PS- Mahnar, Dist- Vaishali

... .. Opposite Party/s

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**Appearance :**

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|----------------------|---|-----------------------------------|
| For the Petitioner/s | : | Mr. Anil Kumar, Advocate          |
| For the State        | : | Mr. Raj Kishor Singh, APP         |
| For the Informant    | : | Mr. Suresh Kumar Mishra, Advocate |

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      07-08-2024                      Heard Mr. Anil Kumar, learned counsel for the  
  
petitioner, Mr. Raj Kishor Singh, learned Additional Public  
  
Prosecutor for the State and Mr. Suresh Kumar Mishra, learned  
  
counsel appearing on behalf of the complainant.

2. The petitioner is apprehending his arrest in  
connection with Complaint i.e. C1 Case No. 25 of 2023, dated  
03.01.2023 for the offences punishable under Sections 406, 420,  
323 and 504 of the Indian Penal Code.

3. According to prosecution case, the petitioner has  
taken money from the complainant's son for opening a factory  
and thereafter the complainant's son died. After the death of his  
son, the complainant demanded money but the accused has not



returned the money 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. He further submits that in fact the petitioner has taken a loan from the son of the complainant, namely, late Ravi Shankar Yadav and the said late Ravi Shankar Yadav has died on 04.02.2022 and thereafter his wife sent a legal notice dated 20.10.2022 to the petitioner where she demanded the dues amount. He further submits that in reply to the notice of the wife of late Ravi Shankar Yadav, the petitioner paid Rs. 20,54,500/- in the account of the daughter of late Ravi Shankar Yadav through R.T.G.S. from the H.D.F.C. Bank on 14.11.2022 and thereafter the father of the late Ravi Shankar Yadav has filed the complaint case against the petitioner for the same amount in question.

5. Learned counsel for the informant as well as learned Additional Public Prosecutor for the State, on the other hand, have vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and the fact that petitioner having clean antecedent as well as he paid the entire dues amount in the account of the daughter of the



original loanee namely, late Ravi Shankar Yadav, 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 Judicial magistrate, 1<sup>st</sup> Class, Hajipur, Vaishali in connection with Complaint i.e. C1 Case No. 25 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. 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.

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 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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