

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47719 of 2024

Arising Out of PS. Case No.-80 Year-2024 Thana- SIMRI District- Buxar

1. Pradeep Singh Yadav @ Tuntun Yadav Son Of Late Ramayan Singh Yadav, R/o Village- Majhawari, PS -Simri, District -Buxar.
2. Mahesh Singh Yadav @ Mahesh Yadav Son Of Late Ramayan Singh Yadav, R/o Village- Majhawari, PS -Simri, District -Buxar.
3. Krishna Kumar Yadav Son Of Pradeep Singh Yadav @ Tuntun Yadav, R/o Village- Majhawari, PS -Simri, District -Buxar.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Amit Kumar Pandey, Advocate
For the Opposite Party : Mr. Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-08-2024 Heard Mr. Amit Kumar Pandey, the learned counsel for the petitioners, the learned counsel appearing on behalf of the informant and Mr. Md. Shakir Ahmad, the learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Simri PS Case No. 80 of 2024, FIR dated 11.03.2024, registered for the offences punishable under Sections 341, 323, 406, 420 and 120(B) of the Indian Penal Code.

3. According to the prosecution case, a truck and a scorio were purchased in a joint family, out of joint property of



all the brothers, however, petitioner no. 2 and petitioner no. 3 got them registered on their names fraudulently. It is further alleged that market value of both the vehicles is Rs. 35,00,000/- (Rupees thirty five lakhs), out of which, the share of each shareholder is Rs. 7,00,000/- (Rupees seven lakhs), but with an intention to grab the amount, the accused persons have created an agreement to give Rs. 2,50,000/- (Rupees two lakhs and fifty thousand) to each shareholder on non-judicial stamp of Rs. 100/- (Rupees hundred), which has neither been signed by any of the shareholders nor they had knowledge regarding the same. It is further alleged that petitioner nos. 1 to 3 declared that they have made partition of the property and all shareholders have to accept that after giving the copy of the non-judicial stamps to them.

4. Learned counsel for the petitioners submits that petitioners have falsely been implicated in the present case and the allegation levelled in the FIR is false and fabricated and the petitioners have not committed any offence as alleged in the FIR. He further submits that petitioner nos. 2 and 3 have purchased the vehicles in question, which were financed by Chola Finance Company and petitioner nos. 2 and 3 have paid their installments on time, but the informant with a bad intention



has filed the present FIR against these petitioners only to harass them and grab the vehicles in question.

5. The learned counsel for the informant as well as the learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioners and submits that there is specific allegation against these petitioners that they have not paid the dues amount to the informant. Apart from that, petitioner nos. 2 and 3 have clean antecedents while petitioner no. 1 has one criminal antecedent other than the present one, however, he fairly admits that as per paragraph no. 3 of the bail petition, petitioner no. 1 is on bail in the pending matter.

6. Considering the aforesaid facts and circumstances, let the petitioners, above-named, in the event of their 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) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Buxar, where the case is pending in connection with **Simri PS Case No. 80 of 2024**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:



(i). Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the learned trial Court.

(ii). If the petitioners tamper 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 petitioners and in case, at any stage, it is found that the petitioners have concealed their criminal antecedent, the learned trial Court shall take step for cancellation of bail bond of the petitioners. 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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