

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48148 of 2024

Arising Out of PS. Case No.-1501 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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Rakesh Kumar Son of Mithilesh Kumar @ Mithilesh Kumar Verma R/O Vill.-
Dariyapur Anant, P.S.- Paliganj, Dist.- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Randheer Kumar S/O Sri Shiv Shankar Rai R/O Village- Sikandar, P.O. -
Katesar, P.S.- Bihta, Dist- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Nandan Prasad, Adv.
For the State : Mr. Sanjay Kumar Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 07-08-2024 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection
with Patna Complaint Case P.S. Case No. 1501 of 2022 for the
offence registered under Sections 406, 420 and 504 of the Indian
Penal Code.

3. As per the complaint, it was alleged that the
petitioner had taken an amount of Rs. 1.5 lacs from the
informant on the ground of treatment of his father and failed to



return. Further when the legal notice was sent, the same was not replied. Accordingly, the complaint case was lodged.

4. Learned Counsel for the petitioner submits that both are friends and due to misunderstanding, the case has been brought forward by the complainant, he is/was ready to pay the amount and even now he undertakes to pay Rs. 1.5 lacs to the complainant. Petitioner has got no criminal antecedent.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that the matter is of the year 2022.

6. Taking into account the fact as the petitioner is ready to return the amount and he has no criminal antecedent, this Court is inclined to extend her privilege of anticipatory bail subject to the following conditions:

(i) Petitioner shall be submitting a demand draft of Rs. 50,000/- in the name of the complainant issued by the local State Bank of India before the concerned Court at the time of execution of bail bonds.

(ii) Petitioner shall be paying the second installment of Rs. 50,000/- by 10th of September, 2024.

(iii) Similarly, the last installment of Rs. 50,000/- will be paid by him on 10th of October, 2024.



(iv) Failure to do so, immediate steps shall be taken for cancellation of his bail bonds.

7. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned J.M.-1st Class, Danapur, Patna in connection with Complaint Case P.S. Case No. 1501 of 2022 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioner, who shall provide official document to show his 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 the bail bonds.

(Rajiv Roy, J)

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