

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.62329 of 2024

Arising Out of PS. Case No.-244 Year-2023 Thana- DIGHA District- Patna

1. Uday Kumar Son of Late Ram Nath Singh Resident of Mohalla- Lakshmi Haritage Compurs (Complex), Anand Puri, Phulwari, West Boring Canal Road, P.S.- Shree Krishna Puri, Distt.- Patna
2. Dr. Arun Kumar Singh Son of Late Ram Nath Singh Resident of Mohalla- Lakshmi Haritage Compurs (Complex), Anand Puri, Phulwari, West Boring Canal Road, P.S.- Shree Krishna Puri, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramji Kumar, Advocate

For the Opposite Party/s : Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-09-2024 Heard Mr. Ramji Kumar, learned counsel for the petitioners as well as Dr. Indihar Kumari, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Digha P.S. Case No. 244 of 2023, F.I.R. dated 04.04.2023 for the offences punishable under Sections 504, 506, 406, 420/34 of the Indian Penal Code.

3. According to prosecution case, all the accused persons including these petitioners have embezzled Rs. 1,62,50,000 of the informant and his brother but neither registered the land in their favour nor returned the money.

4. Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case. He further submits that it appears from the F.I.R that these petitioners have received Rs. 40,00,000/- (Forty



Lakhs) from the informant and now the petitioners are ready to return the said amount of Rs. 40,00,000/- to the informant as they have stated in paragraph no. 7 of the bail petitioner on oath.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners and submits that the petitioners carries one criminal antecedent other than the present one.

6. Considering the aforesaid facts and circumstances that the petitioners are ready to return the amount of Rs. 40,00,000/- to the informant, let the petitioners, 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) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate 13, Patna in connection with Digha P.S. Case No. 244 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. Petitioners shall furnish a demand draft of Rs. 40,00,000/- (Forty Lakhs) in favour of the informant, namely, Amit Ajay and the same shall be deposited at the time of



furnishing bail bond and the learned Court below is directed to hand over the said demand draft to the informant and after handing over the said demand draft to the informant, the bail bond of the petitioners shall be accepted.

ii. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

iii. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iv. And further condition that the court below 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 court below 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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