

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69474 of 2023

Arising Out of PS. Case No.-1091 Year-2021 Thana- GAYA COMPLAINT CASE District-
Gaya

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Umesh Kumar @ Umesh Kumar Baranwal S/o Satya Narayan Prasad R/o
Mohalla-Nadraganj, P.S.-Civil Lines, District-Gaya, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Om Prakash S/o Late Munna Prasad R/o Sakin Mohalla-Tilha Dharamshala,
Paschnimi Gate, P.S.-Civil Line, Dist.-Gaya, Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Nivedita Nirvikar, Sr. Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 07-03-2024 Heard Mrs. Nivedita Nirvikar, learned senior

counsel for the petitioner and Mr. Bhanu Pratap Singh, learned

Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Complaint Case No. 1091 of 2021 for the
offences punishable under Sections 323, 341, 420, 419, 467 and
468 of the Indian Penal Code and Section 138 of the N.I. Act.

3. According to prosecution case, this complainant
has given Rs. 9,50,000/- in several installments to the petitioner
in the year 2019 for which the petitioner has given a cheque of
Rs. 5,00,000/- but the cheque has been bounced due to
insufficient balance.



4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. She further submits that the allegation as alleged in the complaint petition is false and fabricated and the petitioner has not committed any offences as alleged in the complaint petition. She further submits that in fact, the petitioner admits that he had taken a loan of Rs. 5,00,000/- from the complainant and the petitioner has already returned Rs. 96,000/- and now Rs. 4,04,000/- is left to be paid which the petitioner is ready to return the same in installments.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, 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 1st Class, Gaya in connection with Compliant Case No. 1091 of 2021, 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 furnish a demand draft of Rs. 1,04,000/- in favour of the complainant, namely, Om Prakash as first installment and the same shall be deposited at the time of furnishing bail bond and the learned Court is directed to hand over the said demand draft to the complainant or his representative and rest of the amount i.e. Rs. 3,00,000/- shall be paid in three equal monthly installments starting from April, 2024. If the petitioner fails to pay the rest amount in the aforesaid period then the complainant has liberty to move before the appropriate forum/court for cancellation of the bail bond of the petitioner.

ii. 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.

iii. 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.

iv. 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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