

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63469 of 2023

Arising Out of PS. Case No.-518 Year-2023 Thana- FORBESGANJ District- Araria

Deepesh Dalmia @ Dipesh Dalmiya Son of Late Arun Kumar Dalmiya,
Resident of S.K. Road, Ward No. 16, P.S. -Forbesganj, District -Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Parul Prasad, Advocate
For the Informant	:	Mr. Ambrish Rahul, Advocate
		Mr. Ashok Kumar Singh, Advocate
For the Opposite Party/s :		Mr. Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 27-02-2024 Heard Mr. Parul Prasad, the learned counsel for the petitioner, Mr. Ambrish Rahul, the learned counsel for the informant and Mr. Narendra Kumar Singh, the learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Forbesganj PS Case No. 518 of 2023, FIR dated 10.06.2023, registered for the offences punishable under Sections 406 and 420 of the Indian Penal Code.

3. According to prosecution case, the petitioner and his father cheated the informant under the pretext of selling a land and in this process the informant has paid an entire amount of Rs. 62,00,000/- (Rupees sixty-two lakhs).

4. Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case and the allegation levelled in the FIR is false and fabricated and the petitioner has not committed any such offence as in the FIR. He further submits that during the pendency of the bail petition, both the parties had entered into a compromise and they have settled their dispute and they have filed a compromise petition before the learned trial Court and the informant is ready to not pursue the matter.

5. Learned counsel for the informant supports the contentions made by learned counsel for the petitioner.

6. Considering the aforesaid facts and circumstances and the fact that petitioner has clean antecedent and both the parties had entered into a compromise and they have settled their dispute, let the petitioner, above-named, in the event of his arrest or surrender before the Court below, 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) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria, where the case is pending in connection with **Forbesganj PS Case No. 518 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the 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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