

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67709 of 2024

Arising Out of PS. Case No.-109 Year-2024 Thana- MANJHAGARH District- Gopalganj

Sushil Kumar Singh @ Sushil Singh Son of Badshah Singh Resident of
Village- Kolhua, Sirampur Kolhua Pakar, P.S.- Manjhagarh, District-
Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Ram Bilash Roy Raman,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-10-2024 Heard Mr.Ranjeet Kumar Pandey, learned counsel

for the petitioner, learned counsel for the informant and

Mr.Ram Bilash Roy Raman, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Manjhagarh P.S.Case No.109 of 2024, FIR
dated 20.04.2024 registered for the offences punishable under
Sections 420,467,468,406,504,506,120B,34 of IPC.

3. Prosecution case, in brief, is that the informant Smt.
Kanak Rekha Singh, launched prosecution, presenting written
petition, stating therein that accused Sushil Singh came at the
door of informant. who was familiar to her husband and told
that his brother Ratan Jaiswal is having a Petrol Pump, which is



situated at Banjariya under the jurisdiction of Gopalganj District and further stated that the informant may be partner of share 50% of the running of petrol pump by making discussion and her relative came under impression made by him and thereafter, on the following day both the accused Ratan Jaiswal and Sushil Singh visited the place of informant and said before the informant, her husband and other present member of family about 50% share of petrol pump and the informant and others agreed on the statement of the accused persons by making trust in them. It is further alleged that both the accused persons told that you have to pay total Rs. 70 lacs, whereupon, the husband of informant gave three cheques amounting to Rs. 16.5 lack to them and one cheque of Brajesh Kumar was also given to Ratan Jaiswal and a cash of Rs. 25 lacs was also given to Ratan Jaiswal. It is further stated that thereafter, Ratan Jaiswal used to encash the money through cheque of the husband of informant and when he encashed worth of Rs. 60 lacs, then the husband of informant told to Ratan Jaiswal to make him a partner to petrol pump upon which Ratan Jaiswal made a money receipt for confidence and despite of this, Mr. Jaiswal did not make the informant as a partner of petrol pump nor the name of informant was given in Bhartiya Petroleum Company and Ratan Jaiswal



continued to give false assurance and at last the informant asked the petitioner to return back his money, but in presence of witnesses he made an agreement through Notary public making promise to return the money within specific period but subsequently both the accused persons refused to pay the money by hurling abuse and they also said that they will not return the amount and said that the informant is free to do anything as she like. Hence, the F.I.R.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. As per FIR, allegation against the petitioner is that he introduced his brother-in-law to the informant husband for becoming a partner in the Petrol Pump. Further submits that from a bare perusal of the entire FIR it appears that the petitioner was not received a single penny from the informant and all the amount was paid to co-accused, Ratan Jaiswal who is brother-in-law of the petitioner and petitioner has been made accused in the present case merely on the ground that the petitioner was introducer in the present case.

5. Learned counsel for the informant, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the process under Section 82 Cr.P.C.



has been issued against the petitioner on 22.08.2024 so the present anticipatory bail is not maintainable. It appears from the record of the case that before issuance of the process under Section 82 Cr.P.C., the petitioner has already approached before the learned court below and in view of the judgment of the Hon'ble Supreme Court in the case of **Srikant Upadhyay Vs. The State of Bihar**, reported in **AIR 2024 SC 1600**, the present anticipatory bail application is maintainable.

6. Considering the aforesaid facts, petitioner has clean antecedent and he has not received any amount from the informant and he has been made accused in the present case on the ground that he is brother-in-law of the co-accused person, let the petitioner, above named, in the event of his 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.25,000 (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-VI, Gopalganj in connection with Manjhagarh P.S.Case No.109 of 2024, 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 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/her absence on two consecutive dates without sufficient reason, his/her 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/her 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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