

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70676 of 2023

Arising Out of PS. Case No.-709 Year-2021 Thana- JEHANABAD COMPLAINT CASE
District- Jehanabad

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1. Awadesh Kumar Shyam Narayan Prasad Resident Of Vill Kajichak Po And Thana Makhdumpur Dist Jehanabad
 2. Amrendra Prasad Raghav Yadav Resident Of Vill Kajichak Po And Thana Makhdumpur Dist Jehanabad

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Umesh Kumar, Advocate
For the Opposite Party/s	:	Mr. Lalan Kumar, APP
For the Complainant	:	Mr. Sachchida Nand Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 05-03-2024 Heard Mr. Umesh Kumar, learned counsel for the petitioners, Mr. Sachchida Nand Singh, learned counsel appearing on behalf of the complainant as well as Mr. Lalan Kumar, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Complaint Case No. 709 of 2021 for the offences punishable under Sections 406, 420, 120/34 of the Indian Penal Code.

3. According to prosecution case, both the petitioners have set up a fake company by cheating and conspiring with each other to plant trees/plantations and committed fraud with the complainant.



4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offences as alleged in the F.I.R. He further submits that as per the oral agreement, the petitioners have supplied 130 pieces of plant to the complainant and in lieu of that the petitioners have received Rs. 1,20,000/-.

5. The learned counsel appearing on behalf of the complainant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioners and submits that from perusal of the Annexure-2 of the complaint petition it appears that total cost of plant was Rs. 96,050/- and the petitioners have received Rs. 1,20,000/-.

6. Learned counsel for the petitioners submits that the petitioners are ready to return Rs. 24,000/- to the complainant.

7. Considering the aforesaid facts and circumstances, 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 Judicial Magistrate 1st Class, Bhojpur, Ara (Bihar) in connection with Complaint Case No. 709 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. Petitioners shall furnish a demand draft of Rs. 24,000/- in favour of the complainant, namely, Devnandan Singh 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.

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 tamper 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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