

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81015 of 2023

Arising Out of PS. Case No.-488 Year-2021 Thana- SHASTRINAGAR District- Patna

1. Indu Devi @ Indu Singh W/O Sri Ajay Kumar Singh R/O Gudari Bazar, P.S- Adarsh Thana, Supaul, Distt.- Supaul.
2. Ajay Kumar Singh S/O Sri Late Ram Naresh Prasad Singh R/O Gudari Bazar, P.S- Adarsh Thana, Supaul, Distt.- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Shankar Choudhary, Advocate

For the Opposite Party/s : Mr. Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-01-2024 Heard Mr. Uday Shankar Choudhary, learned counsel for the petitioners and Mr. Atul Chandra, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Shastri Nagar P.S. Case No. 488 of 2021, F.I.R. dated 06.10.2021 registered for the offences punishable under Sections 406, 420/34 of the Indian Penal Code.

3. Allegation against the petitioners is that they failed to pay the loan amount and grabbed Rs. 45,33,254 fraudulently.

4. Learned counsel for the petitioners submits that the petitioner no.1 having clean antecedents whereas petitioner no. 2 carries one more case other than the present one in which



he is on bail and they have been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that in fact for the same amount in question the informant has filed a Money Suit No. 10 of 2020 before the competent court of law at Begusarai in the year 2020 and thereafter he has filed the present F.I.R. in the year 2021 for the same set of allegation. Learned counsel for the petitioners further submits that they are ready to comply the outcome of the result of the Money Suit.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case, let the petitioners, above named, in the event of their 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/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. IX, Patna in connection with Shastri Nagar P.S. Case No. 488 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure



and with other following conditions :-

(1) 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 bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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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