

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81033 of 2023**

Arising Out of PS. Case No.-1135 Year-2022 Thana- ARA NAWADA District- Bhojpur

BHUPENDRA KUMAR SINGH @ DR. BHUPENDRA KUMAR SINGH
Son of Ganpati Singh R/o vill - Chhinegaon, P.S. - Barahara, Distt. - Bhojpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raju Kumar Singh, Advocate

For the Opposite Party/s : Mr.Mohammed Arif, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 10-01-2024 Heard Mr.Raju Kumar Singh, learned counsel for the petitioner, learned counsel for the informant and Mr.Mohammed Arif, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Ara Nawada P.S.Case No.1135 of 2022, FIR dated 31.12.2022 registered for the offences punishable under Sections 420,406,34 of IPC.

3. The prosecution case in brief is that informant lodged written report to Superintendent of police Bhojpur at Ara dated 12.12.2022 with statement that he had given Rs. 6,00,000/- to the petitioner for business and agreement was interred into in this regard on the Stamp- of Rs. 100/-. It is further case of prosecution informant again given Rs. 2,00,000/-



on 15.01. 2022. An agreement was also prepared in this regard on the Stamp of Rs. 500/- but Bhupendra Singh is not returning money by one pretext or other and when informant demanded his money 12.12. 2022 he abused him and threatened to death, he has taken Rs.8,00,000/-.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. Further submits that from a bare perusal of the FIR it appears that as per FIR allegation against the petitioner is that he entered into an agreement with the informant and as per agreement the petitioner has given a loan amount of Rs.Six Lacs from the informant and he has signed an agreement which suggests that the petitioner has not paid Rs. Six Lacs then the informant filed a case against the petitioner. Learned counsel for the petitioner submits that the allegation as alleged in the FIR is false and fabricated and the petitioner has not entered into an agreement with the informant.

5. Learned counsel for the informant and learned A.P.P. for the State, on the other hand, have vehemently opposed the prayer for anticipatory bail of the petitioner and produced an agreement which suggests that the petitioner has entered into an agreement with the informant but from a bare perusal of the



agreement it appears that the agreement is overwritten by the informant.

6. Considering the aforesaid facts, 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.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Ara Nawada P.S.Case No.1135 of 2022, 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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