

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3319 of 2024

Arising Out of PS. Case No.-1324 Year-2023 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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Arjun Kumar Choudhary Son of Late Yogendra Choudhary, Resident of
I.C.D.S. Office, Police Station- Town, Begusarai, District- Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Rohit Kumar Son of Late Sipahi Sharma, Resident of Mohalla- Veerpur,
Police Station- Veerpur, District- Begusarai.

... .. Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Raj Krishna Jha, Advocate
For the Opposite Party/s : Mr. Parmanand Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-02-2024 Heard Mr. Raj Krishna Jha, the learned counsel for

the petitioner and Mr. Parmanand Prasad, the learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in

Complaint Case No. 1324(C)/2023, Begusarai, registered for the

offences punishable under Sections 323, 341, 506 and 406 of the

Indian Penal Code.

3. According to prosecution case, the petitioner along

with other co-accused persons tricked the complainant under the

pretext of giving employment in their office and the

complainant has paid Rs. 3,00,000/- (Rupees three lakhs only)

to the petitioner for the said employment. It is further alleged

that when the complainant demanded his money back, he was assaulted by the accused persons.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. As per the allegations made in the complaint petition, the petitioner has received Rs. 3,00,000/- (Rupees three lakhs) from the complainant for providing job in the office of the petitioner. Learned counsel for the petitioner outrightly submits that the petitioner is ready to return Rs. 3,00,000/- (Rupees three lakhs) as alleged in the complaint petition which he has received from the complainant, subject to result of the case.

5. In view of the aforesaid, the petitioner is directed to furnish a demand draft in favour of the complainant and the learned Court below is directed to hand over the said demand draft to the complainant or his representative.

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

7. Considering the aforesaid facts and circumstances and the fact that the petitioner is ready to return Rs. 3,00,000/- (Rupees three lakhs), which he has allegedly taken from the complainant, 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 Judicial Magistrate-1st Class, Begusarai, where the case is pending in connection with **Complaint Case No. 1324(C)/2023, Begusarai**, 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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