

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9508 of 2025

Arising Out of PS. Case No.-121 Year-2024 Thana- AKHODHIGOLA District- Rohtas

Osha Paswan @ Osho Paswan S/o- Late Haridwar Prasad Village- Tendua ,
PS-Akorhigola , Dist- Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar
2. Munna Yadav Son of Sri Babu Lal Yadav Resident of Village Bank, P.S. Akorhigola, Rohtas

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh, Adv.
For the Opposite Party/s : Mrs. Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 08-05-2025 Heard Mr. Rajani Kant Singh, learned counsel for
the petitioners, Mrs. Rita Verma, learned Additional Public
Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Akhorigola PS Case No. 121 of 2024 dated
17.05.2024 registered for the offences punishable under
Sections 420, 406/34 of the IPC.

3. Despite notice validly served to Opposite Party
No.2, no one appears on his behalf.

4. As per prosecution case, the allegation against the
petitioner is that he, along with two other accused persons, has
allegedly played fraud with the informant and cheated him of
Rs. 3,24,000/- by way of mortgaging land bearing Khata No.51,



35, 30, Area 45 Kattha, Mauza-Tendua Khurd, Anchal-Akorhigola in the year 2021.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and has falsely been implicated in the present case. The allegation is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. In fact, the petitioner in the year 2021 has mortgaged his land to the informant and within the stipulated time, the petitioner has returned the amount to him but the informant with the ulterior motive has filed the present case against the petitioner. Apart from that, it is apparent from the FIR itself that the occurrence took place in the year 2021 and the FIR has been lodged in the year 2024 after delay of about three years without assigning any valid reasons for such delay. Despite the valid service of notice upon the informant, no one appears on his behalf which suggests that the informant has got no interest in this case.

5. On the other hand, learned counsel for the State opposed the prayer of the petitioner for anticipatory bail submitting that there is direct allegation against the petitioner of playing fraud with the informant but fairly concedes that the occurrence took place in the year 2021 and the FIR has been lodged in the year 2024 after delay of about three years without



assigning any valid reasons for such delay.

7. Considering the aforesaid facts and circumstance and the submissions made on behalf of the parties, this Court is inclined to extend the privilege of anticipatory bail to the petitioner.

8. Accordingly, 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 Sub-Divisional Judicial Magistrate, Dehri, Rohtas in connection with aforesaid PS Case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita 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 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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