

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31078 of 2025

Arising Out of PS. Case No.-99 Year-2023 Thana- RIVILGANJ District- Saran

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Dashrath Rai S/o- Late Butai Rai R/o - Lakshmipur, Jakhua, P.S - Rivilganj,
District - Saran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mithilesh Kumar Yadav S/o- Dhrub Narayan Yadav, Village- Pahiya, P.S.- Rivilganj Dist.- Saran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Anant Kumar Bhasker, Adv. Adv.
For the Informant	:	Mr. Binod Murari Mishra, Adv.
For the Opposite Party/s	:	Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 13-08-2025 Heard Mr. Anant Kumar Bhasker learned counsel for the petitioner, Mr. Binod Murari Mishra, learned counsel for the informant and Mr. Jharkhandi Upadhyay, learned APP for the State.

2. The petitioner seeks regular bail in connection with Rivilganj P.S. Case No. 99 of 2023, dated 01.05.2023, registered for the offence(s) punishable under Sections 406, 341, 323, 420, 504/34 of the Indian Penal Code.

3. The main submissions advanced by the petitioner's counsel are that the FIR itself shows that the main allegation is against co-accused Rohit Kumar and the petitioner's name has been mentioned only as a co-accused, on the same allegation, the informant had earlier filed Complaint Case No. 219 of 2023



before registering the FIR in the present matter which was dismissed under Section 203 of the Cr.P.C., with the observation that the complaint was based on a concocted story to settle dispute with the proposed accused and the said order's copy has been filed as Annexure-4 before this Court. It is further submitted that two co-accused persons carrying almost similar nature of allegation approached this court vide Cr. Misc. No. 19622 of 2025 for the relief of anticipatory bail which was disposed of with given liberty to the co-accused to file a representation before the concerned Superintendent of Police under the provisions of Section 41(1)(b) of the Cr.P.C. and thereafter the said co-accused persons appeared before the concerned police official and they were released on their personal bonds, so, in view of this position, the case of the present petitioner stands on better footing for the relief of regular bail than that of the said accused as he has been languishing in jail since 21.02.2025 and has no criminal antecedent except one complaint case in which he is on bail.

4. Learned counsel appearing for the informant has vehemently opposed the bail prayer of the petitioner and submits that the petitioner and co-accused persons cheated the informant who is serving in Navy and on the pretext of selling



a particular land and helping him in getting a government job for the informant's brother, a large amount of Rs. 19,46,564/- was transferred by the informant to the accused persons including the petitioner through different Online transactions regarding which there is sufficient documentary proof exists.

5. Heard both the sides and perused the FIR, the trial court's order and the case diary of this case, though, the instant matter relates to the serious offence of cheating allegedly committed by the accused including the petitioner against the informant, however, considering the petitioner's present custody period which has been more than five months and also the fact that in respect of the same allegations, the informant had earlier filed a complaint case which was dismissed by the concerned court and coupled with the completion of investigation against this petitioner, this court is inclined to release him on bail. Accordingly, let the petitioner named-above, be enlarged on bail in connection with Rivilganj P.S. Case No. 99 of 2023 on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

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