

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36847 of 2024

Arising Out of PS. Case No.-222 Year-2023 Thana- DELHA District- Gaya

Ashish Gupta Son of Mahesh Gupta Resident of B- 27 Tagore Road, Adarsh Nagar, P.S.- Adarsh Nagar, District - New Delhi

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sri Vishal Mahto Son of Gyan Prakash Singh Resident of Mohalla - Bhaluahi Kharkhura, P.S.- Delha, District - Gaya.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashish Giri, Adv. Mr. Sumit Kumar Jha, Adv. Mr. Riya Giri, Adv.
For the Opposite Party/s :		Mr.Tarun Prasad Mandal
For the O.P. No.2	:	Mr. Kamal Deo Sharma, Adv. Mr. Tushar Vaibhav, Adv.

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

5 03-04-2025 Heard learned counsel for the petitioner and learned APP for the State as also learned counsel for the Informant.

2. The petitioner seeks bail in connection with Delha P.S. Case No. 222 of 2023 instituted for the offences under Sections 467, 468, 471, 406, 420/34 of the Indian Penal Code.

3. The prosecution case, in short, is that the petitioner took Rs. 51 lacs on different occasions from the Informant and, thereafter, by making false promise, in order to deceive the Informant, put a proposal before the Informant to sell his flat no. B-27 third floor, Tagore Gardwen, Adarsh Nagar, Delhi and will



return the borrowed amount from the sale amount of the aforesaid property and, accordingly, committed criminal breach of trust, cheating and forgery upon the Informant.

4. The mediation has failed two times. Earlier, vide order dated 16.05.2024 passed by this Court, the matter was referred before the Patna High Court Mediation and Reconciliation Centre for mediation of the dispute and the petitioner was granted provisional bail and, thereafter, vide order 21.09.2024 passed by a Co-ordinate Bench of this Court, the provisional bail so granted to the petitioner was extended till the final order is passed. Again, vide order dated 21.10.2024, the matter was referred before the Patna High Court Mediation and Reconciliation Center for settlement of the dispute but, again vide report dated 27.01.2025 the mediation failed.

5. In course of hearing, learned counsel for the petitioner submits on behalf of the petitioner that the petitioner is ready to pay Rs. 21,00,000/- (Twenty-One Lac Only) to the O.P. No.2 but, in equal installments.

6. Learned counsel for the O.P. No.2 has no objection to such proposal advanced by the learned counsel for the petitioner.

7. Having heard learned counsel for the parties and



taking into account the submissions made by the learned counsel for the petitioner, the provisional bail granted to the petitioner vide order dated 16.05.2024 is hereby confirmed with the following terms and conditions;

(i) The petitioner will deposit Rs. 21,00,000/- (Twenty-One Lac Only) in seven equal installments in the bank account of the Informant, details of which will be provided by the Informant.

(ii) The petitioner will pay the 1st installment of Rs. 3,00,000/- within a period of one month after his release on bail.

(iii) The petitioner will pay the rest of the six installments on 15th of the each month thereafter.

(iv) The amount so given by the petitioner to the Informant will remain subject to the final outcome of the case.

(v) One of the bailor(s) shall be the own/close family members of the petitioner.

(vi) The petitioner shall cooperate 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.



(vii) It is made clear that in case of non-compliance of any of the terms and conditions stated hereinabove, the prosecution will be at liberty to move for the cancellation of the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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