

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54024 of 2024

Arising Out of PS. Case No.-210 Year-2023 Thana- AURANGABAD COMPLAINT CASE
District- Aurangabad

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Rishi Prasad Yadav Son of Late Bhikhari Yadav Resident of Vill- Bijbanpur,
Paharpur, P.S.- Deepnagar, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Amit Kumar Son of Rambilash Sharma Resident of Vill- Panday Karma,
P.S.- Kasma, District- Aurangabad, Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raj Kishor Prasad
For the Opposite Party/s : Mr.Meena Singh

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CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

7 25-02-2025 In pursuance to the direction of this Court,

both parties appeared in chambers along with their

respective counsel.

2. The instant application for anticipatory
bail has been filed by the petitioner apprehending
his arrest in a case instituted for the offence
punishable under Sections 120(B), 408, 420, 323,
504/34 of the Indian Penal Code whereas
cognizance has been taken u/s 406 of Indian Penal
Code.

3. Allegation against the petitioner is that
he, in connivance with co-accused Dharmendra
Kumar, has defrauded the complainant of Rs.



7,00,000/- (seven lakh rupees) in lieu of procurement of Government service in Railways at the post of Ticket Collector.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. It is further submitted that the alleged bank account to which the money (mentioned in the complaint ie. Rs. 7,00,000/-) has been deposited, belongs to co-accused Dharmendra Kumar, not to petitioner. It is further submitted that the petitioner is a handicapped person and a student who has been dragged in the present case merely due to enmity. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

5. During course of argument, learned counsel for the petitioner assured before the Court that he is ready to pay Rs. 5,45,000/- (five lakh forty five thousand rupees) to the complainant (Amit Kumar) in 12 installments within a period of one year. The petitioner further submits that he is ready to pay monthly installment of Rs. 45,400/-



(forty five thousand four hundred rupees) for eleven months and Rs. 45,600/- (forty five thousand six hundred rupees) in 12th month as last installment. Thus, he will pay total sum of Rs. 5,45,000/- (five lakh forty five thousand rupees) to the informant by depositing the same the bank account of the complainant of this case. First installment will be paid at the time of filing of bail bonds.

6. Learned counsel for the complainant also agreed that he will compromise the case after obtaining the amount ie. Rs. 5,45,000/- (five lakh forty five thousand rupees).

7. Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on **provisional bail**. The petitioner is directed to surrender in the Court below within a period of six weeks from today and in the event of his arrest or surrender in connection with Complaint Case No. 210 of 2023 , he will be enlarged on **provisional bail** on furnishing bail



bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate Aurangabad, subject to the conditions as laid down under section 438(2) of the Cr.P.C, subject to the condition that the petitioner will remain present in person in Trial Court on each and every date.

8. The bail bonds of the petitioner shall be accepted by the learned court below on showing receipt of deposit of first installment ie. Rs. 45,400/- (four five thousand four hundred rupees) by the petitioner in the bank account of the complainant. He will also file an undertaking that he will pay the entire amount ie. Rs. 5, 45,000/- (five lakh forty five thousand rupees) to the informant in the manner as agreed and mentioned above.

9. Trial Court shall confirm the provisional bail granted to the petitioner after verifying the payment receipts of entire amount ie. Rs. 5,45,000/- (five lakh forty five thousand rupees)



paid by the petitioner to the complaint of this case.

10. Accordingly, the instant application stands disposed off.

(S. B. Pd. Singh, J)

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