

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73688 of 2024

Arising Out of PS. Case No.-127 Year-2024 Thana- BENIPATTI District- Madhubani

Gagan Mishra Son of Rdha Kant Mishra Resident of Village - Simri, P.S. - Bisfi, District - Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. Govind Kumar Mishra S/o- Dharmendra Mohan Mishra, R/o-vill- Baisath Chanpura, PS.- Benipatti, Dist- Madhubani.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Jha, Advocate
For the Opposite Party/s : Mr.Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

8 10-07-2025 Despite valid service of notice upon opposite party No.2, no one appears on behalf of opposite party No.2.

2. Heard Mr.Shailendra Kumar Jha, learned counsel for the petitioner and Mr.Bharat Lal, learned Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in connection with Benipatti P.S. Case No.127 of 2024, dated 06.06.2024 registered for the offences punishable under Sections 420/34 of IPC.

4. Allegation against the petitioner is that he received Rs. 15,64,489/-(Fifteen Lacs Sixty Four Thousand Four Hundred Eighty Nine) from the informant and petitioner



assures the informant to provide Govt. Job.

5. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. As per allegation in the FIR, the petitioner has received to a tune of Rs. 15,64,489/-(Fifteen Lacs Sixty Four Thousand Four Hundred Eighty Nine) from the informant and petitioner assures the informant to provide Govt. Job. Learned counsel for the petitioner submits that the allegation as alleged in the FIR is false and fabricated and the petitioner has brought on record the bank statement by way of supplementary affidavit and bank statement of the petitioner suggests that the petitioner has received the bank transaction to a tune of Rs. 1,04,330/-(One Lac Four Thousand Three Hundred Thirty) and informant has not produced any paper which suggests that the petitioner has received the amount to a tune of Rs.15,64,489/-(Fifteen Lacs Sixty Four Thousand Four Hundred Eighty Nine) from the informant. Learned counsel for the petitioner, on instruction, fairly submits that the petitioner is ready to return the amount to a tune of Rs.1,04,330/-(One Lac Four Thousand Three Hundred Thirty) to the informant and for the rest amount as claimed by the informant shall be subject matter of the present FIR.



6. In view of the aforesaid, 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 A.C.J.M.-1st, Benipatti, Madhubani in connection with Benipatti P.S. Case No.127 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 and with other following conditions:-

(I) At the time of furnishing bail bond, the petitioner shall deposit Rs.1,04,330/-(One Lac Four Thousand Three Hundred Thirty) by way of demand draft in favour of the informant and the learned court below is directed to hand over the said demand draft to the informant or his representative and the rest amount will depend upon Benipatti P.S. Case No.127 of 2024.

(II) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.



(III) 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.

(IV) 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/her 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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