

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79133 of 2024

Arising Out of PS. Case No.-1189 Year-2018 Thana- GAYA COMPLAINT CASE District-
Gaya

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1. Usha Devi W/O Sudarshan Singh R/O Village- Katari, P.O- Patherkatti, P.S.- Mahkar, District- Gaya.
 2. Satrugan Singh @ Satrudhan Singh S/O Late Triveni Singh R/O Village- Kairwa, P.O- Sahobigha, P.S- Ghosi, District- Jehanabad
 3. Balmiki Singh S/O Late Shiv Dani Singh R/O Village- Katari, P.O- Patherkatti, P.S.- Mahkar, District- Gaya.
 4. Suchit Kumar S/O Sudarshan Singh R/O Village- Katari, P.O- Patherkatti, P.S.- Mahkar, District- Gaya.
 5. Ajit Kumar S/O Sudarshan Singh R/O Village- Katari, P.O- Patherkatti, P.S.- Mahkar, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Siya Ram Singh S/O Late Subedar Singh Resident of Nayamatpur, P.O- Neori, P.S- Belaganj, District- Gaya.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sameer Sawarn, Adv.
For the Opposite Party/s : Mr.Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

7 08-05-2025 Heard Mr. Sameer Sawarn, learned counsel for the

petitioners, Mr. Murlidhar, learned Additional Public Prosecutor

for the State and also Mr. Ashok Kumar, learned counsel for

Opposite Party No.2.

2. The petitioners are apprehending their arrest in

connection with Complaint Case No. 1189 of 2023 dated

04.07.2018 registered for the offences punishable under

Sections 420, 406 of the IPC and 138 of the NI Act.



3. As per complaint petition, the allegation against the petitioners is that on 22.01.2017 at about 4:00 P.M., it was agreed upon at the house of complainant in between the complainant as one party and accused Balmiki Singh (petitioner no.3), Satrugan Singh (petitioner no.2), Usha Devi, (petitioner no.1) as second party to purchase trucks and to run the transporting business jointly. Further, the complainant gave Rs.2,00,000/- by way of account to account and one lakh from the account of Mukesh Kumar son of the complainant. The complainant gave Rs. 2,00,000/- to Satrugan Singh by way of account to account, Rs.1,00,000/- to Usha Devi by way of account to account and cash Rs.5,00,000/-. It is further stated that each and every act of the complainant was done on good faith and trust upon said accused Balmiki Singh, Satrugan Singh, and Usha Devi on friendly basis to purchase trucks and to run joint business of transporting and after purchase of trucks and thereafter a written agreement would be duly prepared. It is further alleged that the name of the complainant has intentionally been left out of business with malafide intention and oblique motive and a strong objection was raised from the side of the complainant who has demanded his own money back from the accused persons. It is also alleged that the accused



persons has not returned his entire money.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedent and have falsely been implicated in the present case. He further submits that the allegation as alleged in the complaint is false and fabricated and the petitioners have not committed any offence as alleged in the complaint petition. Learned counsel for the petitioners fairly submits that the petitioners have received Rs. 5 Lakh from the complainant through the bank transaction and out of Rs. 5 Lakh, the petitioners have already returned Rs. 3,84,000/- to the complainant and the complainant has also accepted this fact in her S.A. and with respect to rest of the amount i.e., Rs. 1, 16,000/-, the petitioners are ready to return the same to the complainant. With respect to rest Rs. 5 Lakh as alleged by the complainant in his complaint petition, learned counsel for the petitioners submits that the petitioners have never received the aforesaid amount of Rs. 5 Lakh from the complainant. The petitioners are family members and they have taken the amount in question from the complainant in joint capacity not in the capacity of individual.

5. Learned counsel for the complainant as well as learned APP, on the other hand, vehemently opposed the prayer



for anticipatory bail.

6. Learned counsel for the complainant submits that when the petitioners have not received more than Rs. Two Lakh, then as to why they have paid Rs. 3.84 Lakh to the complainant. Apart from that, the complainant has now to receive a sum of Rs. 1,16,000/- from the petitioners.

7. Considering the aforesaid facts and circumstance and also the fact that petitioners have already returned Rs. 3,84,000/- to the complainant and they are ready to pay rest amount of Rs.1,16,000/, by way of demand draft in favour of complainant, namely, Siya Ram Singh at the time of furnishing bail bond, let the petitioners, above named, in the event of their 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) each with two sureties of the like amount each to the satisfaction of Ms. Juhi Sharma, learned Judicial Magistrate, 1st Class, Gaya 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. Petitioners 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 petitioners tamper 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 petitioners 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 petitioners. 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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