

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78107 of 2024

Arising Out of PS. Case No.-1049 Year-2023 Thana- PATNA COMPLAINT CASE District-
Patna

-
1. Sunil Tiwari S/o Late Shiv Kumar Tiwari R/o Khoretha, P.S.- Bikram, District- Patna
 2. Sushma Devi W/o Sunil Tiwari R/o Khoretha, P.S.- Bikram, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Simant Kumar Mishra S/o Chandrabhushan Mishra R/o Mahmadipur, P.S.-
Moiuddin Nagar, Distt.- Samastipur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Khushi Awadh, Advocate
For the Opposite Party/s	:	Mr. Tapeswar Sharma, APP
For the Complainant	:	Mrs. Madhuri Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 08-05-2025 Heard Ms. Khushi Awadh, learned counsel for the

petitioners, Mrs. Madhuri Kumari, learned counsel appearing on

behalf of the complainant as well as Mr. Tapeswar Sharma,

learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with Complaint Case No. 1049 (C) of 2023 for the
offences punishable under Sections 406 and 420 of the Indian
Penal Code.

3. According to prosecution case, the complainant has
given total of Rs. 6 lakhs to the petitioners for purchase of one
house but these petitioners have not registered the said house in



the name of the complainant and also shown the complainant as tenant of the said house in the legal notice received by the complainant.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. She further submits that the allegation as alleged in the complaint petition is false and fabricated and the petitioners have not committed any offences as alleged in the complaint petition. She further submits that the petitioners have received Rs. 3 lakhs from the complainant and apart from that the complainant have also produced the proof of Rs. 3 lakhs which he has given to the petitioners. She further submits that on instruction, the petitioners are ready to pay Rs. 3 lakhs to the complainant and rest of the amount will subject to the result of the case.

5. Learned counsel appearing on behalf of the complainant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of 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 the learned Additional Chief Judicial Magistrate-1st, Danapur in connection with Complaint Case No. 1049 (C) of 2023, 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 furnish a demand draft of Rs. 1,00,000/- (Rs. One lakh) in favour of the complainant, namely, Simant Kumar Mishra and the same shall be deposited at the time of furnishing bail bond and the learned Court is directed to hand over the said demand draft to the complainant or his representative and rest amount of Rs. 2 lakhs shall be paid in four equal monthly installments starting from June, 2025. If the petitioners fails to pay the aforesaid amount to the complainant, then the complainant has liberty to move before the appropriate forum for cancellation of the bail bonds of the petitioners.

ii. 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.



iii. If the petitioners 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 petitioners and in case at any stage it is found that the petitioners have concealed their 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)

Vanisha/-

U		T	
---	--	---	--

