

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76124 of 2025

Arising Out of PS. Case No.-1388 Year-2024 Thana- MAHUA District- Vaishali

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1. Amitesh Anand @ Abhitesh Anand S/O Arvind Kumar @ Arvind Kumar Gupta @ Arvind Kumar Sah R/O Village- Mahua Singhrai Patepur Road, P.S- Mahua, District- Vaishali.
 2. Pallavi Priya D/O Manoj Kumar R/O Shivpuri Carbon Factory Boring Road, P.S- S.K. Puri, Distt.- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pawan Kumar S/O Sanjay Sharma R/O Village- Sawajpura, P.S- Mehndiya, Distt.- Arwal.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Uday Prakash Sharma, Advocate
For the Opposite Party/s	:	Mr. Harendra Prasad, APP
For the Informant	:	Mr. Vishal Vikram Rana, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-11-2025 Heard Mr. Uday Prakash Sharma, learned counsel

for the petitioners, Mr. Vishal Vikram Rana, learned counsel for

the informant as well as Mr. Harendra Prasad, learned

Additional Public Prosecutor for the State.

2. Learned counsel for the petitioner is directed to

make necessary corrections in paragraph no. 1 of the bail

petition during course of the day.

3. The petitioners are apprehending their arrest in

connection with Mahua P.S. Case No. 1388 of 2024, F.I.R. dated

14.12.2024 for the offences punishable under Sections 406 and



420 of the Indian Penal Code and Section 66 of the I.T. Act and later on Sections 467, 468, 471 and 120B of the Indian Penal Code were added.

4. According to prosecution case, co-accused Kunal Kumar along with other accused persons in connivance cheated the informant and other persons in the name of providing job, but neither provided job nor returned the money.

5. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R is false and fabricated and the petitioners have not committed any offences as alleged in the F.I.R. It appears from the F.I.R that the occurrence took place in the year 2021 but the present F.I.R has been instituted in year 2024 i.e., after delay of 3 years without giving any explanation of the said delay. Apart from that it appears from the F.I.R itself that the informant has given the amount in question to one Kunal Kumar who happens to be the brother of petitioner no. 1, namely, Amitesh Anand and as far as the petitioner no. 2 is concerned, he is youtube partner of the co-accused, Kunal Kumar and the petitioners have not received any amount and they have been made accused merely on the ground that they are



associated with the co-accused, Kunal Kumar.

6. Learned counsel for the informant as well as learned Additional Public Prosecutor on the basis of material available on record have vehemently opposed the prayer for bail of the petitioners and submits that the petitioners are also involved in the present crime in question along with co-accused Kunal Kumar.

7. Considering the aforesaid facts and circumstances that the petitioners have clean antecedent, present F.I.R has been lodged after delay of 3 years and the informant has not stated anywhere in the F.I.R that he has given any amount to the petitioners, 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 the learned S.J.V-cum-A.C.J.M-IV, Vaishali at Hajipur in connection with Mahua P.S. Case No. 1388 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. 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.

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 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)

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