

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80408 of 2024

Arising Out of PS. Case No.-620 Year-2019 Thana- MADHEPURA COMPALINT CASE
District- Madhepura

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Ramesh Yadav Son of Late Satyanarayan Yadav Village- Tuiyahi ward no. 3,
PS- Madhepura, Dist.- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anil Kumar Yadav Son of Nandkishor Yadav R/O Village- Tuniyahi,
Uttarvari, Ward no. 3, P.S.- Madhepura, Dist.- Madhepura.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rupesh Kumar, Advocate
For the Opposite Party/s : Mr. Anil Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 17-04-2025 Heard Mr. Rupesh Kumar, learned counsel for the

petitioner and Mr. Anil Kumar, learned Additional Public

Prosecutor for the State.

2. Despite valid service of notice upon the
complainant, no one appears on behalf of the complainant.

3. The petitioner is apprehending his arrest in
connection with Complaint Case No. 620 of 2019, dated
24.10.2019 for the offences punishable under Section 420 of the
Indian Penal Code.

4. As per the First Information Report, the
complainant alleged that the petitioner has taken money in the
name of purchase of land but neither executed the registered



sale deed in the name of complainant nor returned the money.

5. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed the offence in the manner alleged in the FIR and he has never received any amount from the complainant.

6. Learned counsel for the petitioner further refers to paragraph nos. 8 and 9 of a judgment passed by the Hon'ble Supreme Court in the case of **Asha Dubey vs. State of Madhya Pradesh [Cr. Appeal No. 4564 of 2024 @ SLP(Crl.) No. 13123 of 2024]** which are quoted hereinbelow:-

“8. Coming to the consideration of anticipatory bail, in the event of the declaration under Section 82 of the Cr.P.C., it is not as if in all cases that there will be a total embargo on considering the application for the grant of anticipatory bail.

9. When the liberty of the appellant is pitted against, this Court will have to see the circumstances of the case, nature of the offence and the background based on which such a proclamation was issued. Suffice it is to state that it is a fit case for grant of anticipatory bail, on the condition that the appellant shall cooperate with the further



investigation. However, liberty is also given to the respondents to seek cancellation of bail that has been granted, in the event of a violation of the conditions which are to be imposed by the Trial Court or if there are any perceived threats against the witnesses.”

7. Learned counsel for the petitioner submits in view of the aforesaid judgment, the present bail application is maintainable.

8. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that it appears from the impugned order that process under Section 82 of Cr.P.C has been issued against the petitioner on 24.04.2024, so, the present application of bail is not maintainable.

9. Considering the aforesaid facts and circumstances and as per prosecution, the petitioner has not received any amount from the complainant and despite of valid service of notice upon complainant no one appears on behalf of complainant and in view of the judgment passed by the Hon'ble Supreme Court in the case of **Asha Dubey** (supra), let the petitioner, 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) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-III, Madhepura in connection with Complaint Case No. 620 of 2019, 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. 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. 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.

iii. 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 criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bond 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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