

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76688 of 2025

Arising Out of PS. Case No.-39 Year-2025 Thana- GANDHIMAIDAN District- Patna

Dev Mohan Singh Son of Late Abhinand Singh R/o Village - Dariyapur,
Danapur, P.S. - Balbatta, District - Godda, Jharkhand.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Akanksha Rai, Advocate

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR SINGH
ORAL ORDER

2 05-12-2025 By means of this bail application, petitioner, who is involved in connection with Gandhi Maidan P.S. case no. 39 of 2025, registered for the offences punishable under Sections 316(3), 318(4) of B.N.S., seeks enlargement on bail during the pendency of trial.

2. Heard Ms. Akanksha Rai, learned counsel for the petitioner and Mr. Dilip Kumar No. 1, learned APP representing the State.

3. As per prosecution case, the informant got the First Information Report lodged against the petitioner alleging inter alia that petitioner has assured his son that he could get him a job in the Custom department but for this he has to pay Rs eight lakhs. His son believing his words gave a sum of Rs. 2,04,000/- to the petitioner. It is also alleged that after some days his son received a joining letter by post and thereafter petitioner further taken Rs.



5,96,000/- on the pretext of joining and sent him to Calcutta Custom department, where he came to know that said appointment letter was forged.

4. The main substratum of argument of learned counsel for the petitioner is that petitioner has been falsely implicated in this case on the basis of a concocted story set up by the complainant. In fact, no such incident took place as alleged by the complainant. It is further submitted that in fact, uncle of the petitioner was seriously ill, therefore, he had borrowed Rs. 2,04,000/- from the son of the complainant on different dates which is mentioned in paragraph 11 of the bail application. Much emphasis has been given by contending that since a false story has been set up by the informant therefore, specific date of transaction has not been disclosed in the FIR. It is also pointed out that even during course of investigation when statement of complainant and his son was recorded, in which also they have not specified that on which date he had given a sum of Rs. 2,04,000/- to the petitioner. So far as alleged payment of remaining amount of Rs.596000/- is concerned, it is argued that there is no evidence of said transaction between the parties concerned. The said allegation is wholly false and against the evidence on record. As per disclosure made in paragraph 3 of the bail appli-



cation, the petitioner has criminal history of one case in which he is on bail. Lastly, it is submitted that petitioner is languishing in jail since 25.08.2025 and in case he is released on bail, he will not misuse the liberty of bail and cooperate with the trial.

5. Per contra, learned Additional Public Prosecutor for the State opposed the prayer for bail of the petitioner reiterating the prosecution case as mentioned in F.I.R.

6. Having heard the submissions of learned counsel for the parties and perused the record, I find that it is not in dispute that specific date of alleged transaction of Rs. 2,04,000/- has not disclosed in the FIR. Whereas as per the case of the petitioner he had borrowed Rs. 10,000/- on 11.07.2025, Rs. 40,000/- on 10.08.2025, Rs. 40,000/- on 10.08.2025, Rs. 10,000/- on 10.08.2025, Rs. 9,000/- on 10.08.2025, Rs. 50,000/- on 15.07.2025, Rs. 45,000/- on 17.08.2025. As such petitioner has accepted the fact of taking a sum of Rs. 2,04,000/- from the complainant but purpose of taking said money is disputed. Charge sheet has been submitted. In para 14 of the bail application, petitioner has stated that out of said amount of Rs. 2,04,000/-, the petitioner has paid /return total Rs. 1,25,000/- to the complainant through bank transaction and he is also ready to return rest of the amount. The transaction receipt has also been



filed as Annexure-P/4.7. As per the case of the prosecution, the said money was given on the pretext of providing job whereas as per the case of the petitioner, the said money was borrowed by the petitioner for treatment of his uncle. Since the allegations of the prosecution and defence of the accused-petitioner are still open to be urged before the trial Court, therefore, this Court at this stage, is not recording any finding on merit of the case. Charge sheet has been filed, hence there is no possibility of tampering the witnesses. Due to heavy docket of the cases the possibility of conclusion of trial of the petitioner in near future is very bleak. There is no chance of the petitioner, of fleeing away from the judicial process or tampering with the prosecution evidence. As on date there is no material on record to presume that there is danger, of course, of justice being thwarted by grant of bail to the petitioner.

7. In view of the above, without going into the merit of the case, keeping in view the nature of the offence, evidence, severity of punishment, complicity of the petitioner, submissions of the learned counsel for the parties and reasons as noted above, this Court is of the opinion that the petitioner, who is in incarceration since 25.08.2025 has made out a prima facie case for bail.



8. Accordingly, the bail application of the petitioner stands allowed.

9. Let the above named petitioner be released on bail in the above case on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned court below with the following conditions:-

(i) That the petitioner shall cooperate in the expeditious disposal of the trial and shall regularly attend the court unless inevitable.

(ii) That the petitioner shall not directly or indirectly involve in any criminal activity.

10. In case of breach of above conditions by the petitioner, it will be open for the prosecution to move bail cancellation application before the Court concerned.

11. It is clarified that anything said in this order is limited to the purpose of determination of this bail application and will in no way be construed as an expression on the merits of the case. The trial court shall be absolutely free to arrive at its independent conclusions on the basis of evidence led unaffected by anything said in this order.

12. The trial Court shall make an endeavour to conclude



the trial of the petitioner expeditiously without granting unnec-
essary adjournment to either of the parties.

(Sanjay Kumar Singh , J)

Raj Ranjan/-

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