

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1334 of 2025

Arising Out of PS. Case No.-78 Year-2019 Thana- SIWAN COMPLAINT CASE District-
Siwan

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Binod Kumar @ Binod Kumar Gupta S/O Shri Bhagwan Prasad R/o Mohalla-
Yoginia Kothi, Dahiyawan Tola, Chapra, P.S- Chapra Town, Distt.- Saran
(Chapra).

... .. Petitioner/s

Versus

1. The State of Bihar
2. priyanka priya W/o Dr. Rajesh Chandra, R/o Mohalla- New Basti
Mahadewa, Swami Vivekanand Marg, Distt- Siwan

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Anil Kumar Tiwary, Advocate
For the State	:	Mr. Ram Sevak Choudhary, A.P.P.
For the Complainant	:	Mr. Ayush Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

7 23-07-2025 Heard Mr. Anil Kumar Tiwary, learned counsel for

the petitioner, Mr. Ayush Kumar, learned counsel for the

complainant and Mr. Ram Sevak Choudhary, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Complaint Case No. 78 of 2019 for the offences
punishable under Sections 417, 420 and 34 of the Indian Penal
Code.

3. According to prosecution case, the petitioner along
with co-accused, Dharendra Kumar Pandey cheated and duped
her by promising admission in B.Ed. course. They took a total



of Rs. 80,000/- in cash from the complainant and her husband in two installments, paid on 14.05.2015 and 20.05.2015 and also issued a receipt for the same.

4. Learned counsel for the petitioner submits that the the petitioner has clean antecedent and he has falsely been implicated in the present case. The allegation as alleged in the complaint petition is false and fabricated. As per complaint petition, the complainant has given Rs. 80,000/- to the petitioner in two installments for admission in B.Ed course. Learned counsel for the petitioner further submits that although there is specific allegation against the petitioner in the complaint petition but there is no cheat of paper which suggests that the complainant has given Rs. 80,000/- to the petitioner and apart from that, the amount in question was paid in 2015 but the present complaint has been instituted in 2019.

5. The learned Additional Public Prosecutor for the State and learned counsel for the complainant, on the other hand, have vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts that petitioner has clean antecedent, there is no cheat of paper on record which suggests that the petitioner has received the amount in question



from the complainant, let the petitioner, above named, in the event of his 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 Court of J.M.-1st Class, Siwan in connection with Complaint Case No. 78 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 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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