

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86292 of 2024

Arising Out of PS. Case No.-1951 Year-2019 Thana- BHOJPUR COMPLAINT CASE
District- Bhojpur

Sri Ram Singh S/O Late Yamuna Singh @ Jamuna Singh R/o - Khandaul, P.S
- Sandesh, District - Bhojpur, (Bihar)

... .. Petitioner

Versus

1. The State of Bihar
2. Md. Shamshad S/O Md. Aliyas R/o - Begampur, P.O -Ara, P.S - Ara Town,
District - Bhojpur, (Bihar)

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Uday Shankar Pandey, Advocate
For the State	:	Mr. Upendra Kumar, APP
For the Informant	:	Mr. Gopal Krishna, Advocate

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 22-03-2025 Heard learned counsel for the petitioner, learned
counsel for the Informant and learned APP for the State.

2. The petitioner seeks bail, apprehending his arrest,
in connection with Complaint Case No. 1951(c) of 2019,
registered for the offences punishable under Sections 323, 406,
420 and 34 of the Indian Penal Code.

3. As per allegation, on the fraudulent inducement of
the accused persons including the petitioner, the Complainant
paid Rs.19,00,000/- to the co-accused, Md. Islam but despite
demand, the money was not given back to the Complainant and
only a cheque for an amount of Rs. 75,000/- was given by the
accused, Santosh Kumar to the Complainant.

4. Learned counsel for the petitioner submits that



the Petitioner is innocent and has falsely been implicated in this case. He further submits that even as per the complaint, there is no averment in the complaint that the Complainant has ever paid any amount to the accused/petitioner. At most, he had counted the notes at the time of delivery of the money to the accused, Md. Islam. He further submits that the whole allegation of payment of Rs.11,00,000/- to the accused persons in cash is without any documentary proof.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioner has no criminal antecedents.

7. However, learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. However, learned counsel for the Informant submits that the petitioner is also the part of the conspiracy to commit the alleged offence and he is also one of the persons who induced the Complainant to pay the money to the co-accused, Md. Islam.

9. Considering the aforesaid facts and circumstances, particularly the fact that there is no allegation of making any



payment directly to the co-accused, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-Ist Class, Bhojpur at Ara, in connection with Complaint Case No. 1951(c) of 2019, subject to the conditions as laid down under Section 438 (2) Cr.PC and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

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