

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86816 of 2024

Arising Out of PS. Case No.-37 Year-2024 Thana- MAHILA P.S. District- Muzaffarpur

Kanhaiya Mishra S/O Koshal Kishor Mishra @ Kaushal Kishor Mishra
Resident of village - Rahatpur, P.S- Balia, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Smita Kumari, Adv.
For the Opposite Party/s : Mr. Bharat Lal, APP
For the Informant : Mr. Jugal Kishore, Adv.

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

4 03-04-2025 Heard learned counsel for the petitioner and learned
APP for the State as also learned counsel for the Informant.

2. The petitioner seeks bail in connection with Mahila
P.S. Case No. 37 of 2024 instituted for the offences under
Sections 341, 323, 376, 493, 406, 420, 504, 506 of the Indian
Penal Code.

3. As per prosecution case, the accusation against the
petitioner is of cheating the victim of Rs. 9 lakhs and harassing
her physically, mentally and financially as also threatening to
kill her family members.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.
The petitioner has no concern with the alleged occurrence. The
petitioner has no criminal antecedent and is languishing in



judicial custody since 19.06.2024 without any rhymes or reason.

5. Learned counsel for the Informant has filed counter affidavit wherein in Para-3, it has been stated that the petitioner cheated he petitioner and showing false love and in the name of love, cheated the Informant of Rs. 9,82,000/- and there is also proof of transaction of rupees from the account of the Informant to the account of the petitioner.

6. In course of hearing, learned counsel for the petitioner submits of behalf of the petitioner that the petitioner is ready to pay the amount, in question, i.e. Rs. 9,82,000/- (Nine Lac Eighty-Two Thousand) but, in easy installments.

7. Learned counsel for the Informant has raised no objection to such proposal of the petitioner.

8. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the submission made by the learned counsel for the petitioner, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Mahila P.S. Case No. 37 of 2024, subject to the following conditions;



(i) The petitioner will pay the disputed amount i.e. Rs. 9,82,000/- in ten equal installments of Rs. 98,200/- in the bank account of Informant and, the same will remain subject to the final outcome of the case.

(ii) The petitioner will pay the first installment within a period of one month from the date of his release on bail.

(iii) The petitioner will pay rest of the installments on 15th of each month thereafter.

(iv) One of the bailor(s) shall be the own/close family members of the petitioner.

(v) The petitioner shall cooperate 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(vi) In case of non-compliance of any of the terms and conditions stated hereinabove, the prosecution will be at liberty to move for cancellation of the bail bonds.

(Rudra Prakash Mishra, J)

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