

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87271 of 2024

Arising Out of PS. Case No.-38 Year-2024 Thana- Bhalpatti District- Darbhanga

Lalit Sahni S/O Late Rudal Sahni R/O Village- Andhari, P.S- Bhalpatti, Distt.- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Hemanti Devi W/O Late Vishal Kumar Sahni R/O Village- Andhari, P.S- Bhalpatti, Distt.- Darbhanga. At Present- C/O Ramjatan Sahni, C/O Vil-Akhana, P.S- Ashok Paper Mill, Distt.- Darbhanga. Mob No. 9939395814.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Niraj Kumar, Advocate
	:	Mr. Ugranath Kumar, Advocate
For the Opposite Party/s	:	Ms. Sharda Kumari, APP
For the Informant	:	Mr. Girish Chandra Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 01-05-2025 Heard Mr. Niraj Kumar, learned counsel for the petitioner, Mr. Girish Chandra Jha, learned counsel for the Informant and Ms. Sharda Kumari, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Bhalpatti P.S. Case No. 38 of 2024 , F.I.R. dated 13.07.2024 for the offences punishable under Sections 318(4), 316(2), 3(5) of the Bhartiya Nyay Sanhita, 2023.

3. As per the First Information Report, the husband of the informant died in the year 2022 due to Railway accident and she received Rs. 20,00,000/- as compensation and due to



domestic dispute she left her matrimonial home and started to live in the paternal house and left all her documents relating to bank in a box but in the last month when she went to withdraw some money she got to know that the petitioner by making forgery withdraw Rs. 8,00,000/- from her account.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. As per allegation the petitioner has withdrawn Rs. 8-10 lakh from the bank account of the informant. He further submits that the petitioner is brother of mother-in-law of the informant and informant has herself given the check to the petitioner to withdraw the amount in question.

5. Learned counsel for the petitioner has produced two Demand Drafts each of Rs. 2,00,000/-(Rupees Two Lakh) bearing DD No. 606238 dated 28.04.2025 and DD No. 606237 dated 28.04.2025 in favour of the Informant and the said demand drafts are handed over to the learned counsel for the Informant.

6. Learned counsel for the informant is directed to hand over the said demand draft to the informant.

7. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.



8. Considering the aforesaid facts and circumstances, the petitioner has clean antecedent and he has paid Rs. 4,00,000/-(Rupees Four Lakh) to the informant, 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 Chief Judicial Magistrate, Darbhanga in connection with Bhalpatti P.S. Case No. 38 of 2024, 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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