

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89913 of 2024

Arising Out of PS. Case No.-19 Year-2024 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

=====

Kameshwar Prasad Singh S/o- Late Thakur Prasad Singh Village-
Raghunathpur Po- Motha Ps- Karakat Gorary Dist- Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sailendra Chaubey @ Shailendra Kumar Chaubey S/o- Late Bhuvneshwar
Choubey Village- New Bazar Tad Kujju Dist- Ramgarh Jharkhand

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Arvind Pandey, Advocate

For the Opposite Party/s : Mr. Lalan Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 07-05-2025 Heard Mr. Arvind Pandey, learned counsel for the

petitioner and Mr. Lalan Kumar, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Complaint Case No. 19C of 2024, for the
offences punishable under Sections 420, 406, 504 of the Indian
Penal Code.

3. As per the complaint petition, the informant alleged
that the petitioner did not paid the dues amount for the purchase
of coal from his shop.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the



present case. As per the allegation in the complaint petition the complaint supplied 17 trucks of coal to the petitioner's Itt Udyog and petitioner paid Rs.11 Lakhs through bank and rest amount of Rs. 2365525.96 has not been paid to the complainant as yet. He further submits that he paid all the dues amount to the complainant but he is not in a position to produce any evidence which suggest that the complainant has received the dues amount from the petitioner.

5. Learned counsel for the petitioner has filed a supplementary affidavit stating therein that petitioner is ready to deposit the amount of Rs.2365525.96 before the learned court below within 12 months in 12 equal installments subject to result of the present case.

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that petitioner carries one criminal antecedent other than the present one.

7. Considering the aforesaid facts and circumstances, 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 Sub-Divisional Judicial Magistrate, Bikramganj, Rohtas in connection with Complaint Case No. 19C 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. Learned court below is directed to dispose of the present complaint petition on priority basis and if the complainant succeeds in the present complaint case, learned court below is directed to hand over the aforesaid amount which is deposited by the petitioner to the complainant and if the petitioner succeeds in the present case, learned court below is directed to return the aforesaid amount to the petitioner.

ii. 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.

iii. 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.

iv. 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)

Suruchi/-

U		T	
---	--	---	--

