

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90384 of 2024

Arising Out of PS. Case No.-51 Year-2024 Thana- Kawaiya District- Lakhisarai

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1. Ayush Kumar S/o Manoj Kumar R/o Mohalla- Naya Bazar, Mahatma Gandhi Road, P.S.- Kabaiya, Distt.- Lakhisarai
 2. Anju Devi W/o Manoj Kumar R/o Mohalla- Naya Bazar, Mahatma Gandhi Road, P.S.- Kabaiya, Distt.- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Alok Kumar Sinha, Advocate
	:	Mr. Ravi Shankar, Advocate
	:	Mr. Ankesh Kumar, Advocate
For the Opposite Party/s	:	Mr. Sanjay Kumar Tiwary, APP
For the Informant	:	Mr. Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-04-2025 Heard Mr. Alok Kumar Sinha, learned counsel for the petitioners, learned counsel for the Informant and Mr. Sanjay Kumar Tiwary, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Kawaiya P.S. Case No. 51 of 2024, F.I.R. dated 26.04.2024 for the offences punishable under Sections 406, 420, 504, 506/34 of the Indian Penal Code.

3. According to prosecution case, the informant alleged that he sent Rs. 12,10,000/- to petitioner no.1 for the purpose of doing business with assurance that his money will be



returned. On 23.11.2023, petitioner no.2 handed over two cheques in which one was bounced when it was present in the Bank. When the informant went to the house of the petitioners for return of his money, petitioner no.1 abused him and refused to return the aforesaid amount and threatened him of dire consequences.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. As per allegation in the FIR, the informant has paid Rs. 12,10,000/-(Rupees Twelve Lakhs Ten Thousand) to the petitioners within a period of three years through installments. He further submits that petitioners have returned Rs. 7,00,000/-(Rupees Seven Lakh) to the informant and on instructions submits that petitioners are ready to return Rs. 5,10,000/-(Rupees Five Lakh Ten Thousand) to the informant within a period of five months.

5. The learned Additional Public Prosecutor and learned counsel for the Informant vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances, let the petitioners, 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) each with two sureties of the like amount each to the satisfaction of the learned CJM, Lakhisarai in connection with Kawaiya P.S. Case No. 51 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) At the time of furnishing bail bond, the petitioners shall deposit Rs. 1,30,000/- (Rupees One Lakh Thirty Thousand) by way of demand draft in favour of the informant and the learned court below is directed to hand over the said demand draft to the informant and rest amount of Rs. 3,80,000/- (Three Lakh Eighty Thousand) shall be paid by way of demand draft in four equal installments within a period of four months. If the petitioner fails to deposit the rest amount of Rs. 3,80,000/- (Three Lakh Eighty Thousand) to the informant, the informant shall be at liberty to move before the appropriate forum for cancellation of bail bond of the petitioners.

ii. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

iii. If the petitioners tamper 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bonds of the petitioners. 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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