

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90363 of 2024

Arising Out of PS. Case No.-31 Year-2024 Thana- SAHPUR District- Patna

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1. Smt. Nirmala Pratap @ Nirmala Pratap Wife of Ajay Pratap Resident of Village - Ajamgarh, P.S. - Ajamgarh, District - Ajamgarh (U.P.) At Present Resident of Mohalla - Anand Bazar, Shiv Mandir Road, Danapur, Cantt. Ward No. 05, P.S. - Danapur, District - Patna
 2. Ajay Pratap Son of Sri Baleshwar Resident of Village - Ajamgarh, P.S. - Ajamgarh, District - Ajamgarh (U.P.) At Present Resident of Mohalla - Anand Bazar, Shiv Mandir Road, Danapur, Cantt. Ward No. 05, P.S. - Danapur, District - Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jiya Kumari Daughter of Late Ajay Thakur Resident of Village - Chadmari, P.S. - Shahpur, District - Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kumar Sunil, Advocate
For the Opposite Party/s	:	Mr. Jharkhandi Upadhyay, APP
For the Informant	:	Mr. Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-04-2025 Heard Mr. Kumar Sunil, learned counsel for the petitioners, learned counsel for the Informant and Mr. Jharkhandi Upadhyay, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Shahpur P.S. Case No.31 of 2024, F.I.R. dated 15.01.2024 for the offences punishable under Sections 406, 420, 34 of the Indian Penal Code.

3. According to prosecution case, the informant



alleged that the petitioners told the informant to invest her money in their company named as Bitbul Coins. The informant made a transaction of Rs. 5.50 lakhs but when she demanded to return her money, the petitioners did not return the same.

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 invested in the company running in the name of Bitbul Coins to the tune of Rs. 5.50 lakhs on the assurance by the petitioners that the same amount will become four times within a year. He further submits that although the petitioners have returned Rs. 86,478/- to the informant and rest amount is due in tune of Rs. 4,63,522. Learned counsel for the petitioner on instructions submits that the petitioners are ready to pay the aforesaid amount in four equal installments.

5. The learned Additional Public Prosecutor and learned counsel for the Informant have no objection if the petitioners are ready to pay the amount in question to the informant.

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 Judicial Magistrate, 1st Class, Danapur, Patna in connection with Shahpur P.S. Case No.31 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. 1,15,880/-(Rs. One Lakh Fifteen Thousand Eight Hundred and Eighty) in the account of the informant which is mentioned as:-Account No:-35551742026, IFSC Code-SBIN0011675, Branch-Saguna, Patna and rest amount of Rs. 3,47,642/-(Rs. Three Lakh Forty Seven Thousand Six Hundred and Forty Two) shall be paid to the informant in three equal installments within a period of three months. If the petitioners fails to deposit the rest amount of Rs. 3,47,642/-(Rs. Three Lakh Forty Seven Thousand Six Hundred and Forty Two) 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 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 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 bond 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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