

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29877 of 2024**

Arising Out of PS. Case No.-3 Year-2023 Thana- MAIRWAN District- Siwan

Vinay Kumar Yadav son of Mahanand Yadav Resident Of Saraiya, P.O. And
P.S.- Kotwali, Dist-Deoria, Janpad, Uttar Pradesh

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rahul Kumar Gupta s/o- Parsuram Gupta, R/o- Village-Nimiya tola
Badgaon, P.s- Mairwa, dist- Siwan

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Dubey, Advocate
For the Opposite Party/s : Mr.Raj Ballabh Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

5 23-01-2025 Heard Mr.Ranjan Kumar Dubey, learned counsel
for the petitioner, learned counsel for the informant and
Mr.Raj Ballabh Singh, learned Additional Public Prosecutor
for the State.

2. The petitioner is apprehending his arrest in
connection with Mairwa P.S. Case No.03 of 2023, dated
03.01.2023 registered for the offences punishable under
Sections 420,467,468,471/34 of IPC.

3. According to prosecution case, the petitioner
tricked the informant under the pretext of admission in a
correspondence course. It is further alleged that the informant
submitted his marksheet, photo copy of Aadhar card and



deposited Rs. 2,60,000/- (Rupees two lakhs and sixty thousand) in the A/C No. 197300030001382 and deposited Rs. 4,80,000/- (Rupees four lakhs and eighty thousand) through cash. It is also alleged that when the informant demanded his money from the petitioner at his residence, the co-accused person, namely, Dhananjay Yadav @ Guddu Yadav and two more persons assaulted him and snatched a golden chain, a ring and Rs. 3700/- (Rupees thirty seven hundred) from him and threatened him with dire consequences.

4. Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. Although there is allegation against the petitioner that he received the amount from the informant for pretext in the admission in correspondence course. Learned counsel for the petitioner outrightly submits that as per allegation in the FIR that the informant has alleged that the informant has given Rs. 2,60,000/- in the account of the petitioner and Rs.4,80,000/- paid in cash. Learned counsel for the petitioner, on instruction, fairly submits that the petitioner



is ready to return Rs.2,60,000/- to the informant which he has received in his bank account and learned counsel for the petitioner submits that he has not received any amount in cash from the informant and he is ready to return Rs.2,60,000/- (Rs.Two lacs Sixty Thousand) to the informant and for the rest amount, the informant shall be at liberty to agitate in the criminal court.

5. Learned counsel for the informant, on instruction, submits that he has no objection that if the petitioner pays Rs. 2,60,000/-.

6. Considering the aforesaid facts and petitioner has clean antecedent, let the petitioner, above named, in the event of his 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 learned Chief Judicial Magistrate, Siwan in connection with Mairwa P.S. Case No.03 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of BNSS,2023 and with other following conditions:-

(I) At the time of furnishing bail bond, the petitioner



shall deposit Rs.1,50,000/-(Rs.One Lac Fifty Thousand) by way of demand draft in favour of the informant and the learned Trial Court is directed to hand over the said demand draft to the informant or his representative and petitioner shall pay rest amount of Rs.1,10,000/- (Rs. One Lac Ten Thousand) to the informant in the month of February, 2025. If the petitioner fails to pay the rest amount within the aforesaid period, the informant shall be at liberty to move before the learned court below for cancellation of bail bond of 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/her absence on two consecutive dates without sufficient reason, his/her 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/her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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