

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18591 of 2015

Arising Out of PS.Case No. -543 Year- 2012 Thana -MUNGER COMPLAINT CASE District-
MUNGER

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Anil Kumar Tewari. Son of Late Bishwanath Tewari. Resident of 20, Station Road, Police Station - Hussainganj, District - Lucknow (Uttar Pradesh), at present 4/71, Vishal Khand Gomati Nagar, Police Station - Gomati Nagar, District - Lucknow (Uttar Pradesh).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Anishtha Devi. W/o Niranjana Yadav. R/o vill.- Chourgarh, P.S.- Asarganj, Dist.- Munger.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ambuj Nayan Choubey, Adv.
For the Opposite Party/s : Mr. Murlidhar(App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 15-06-2015 Having regard to the fact that the petitioner faces prosecution for offence under Section 420 of the Indian Penal Code and the admitted position that the land, in question, which was conveyed by him to opposite party no.2, the complainant, by a registered sale deed in 2010 already stood recorded in the Bhudan record showing it to have been gifted to Bhudan Committee, this Court, taking into account that the petitioner had also the knowledge of such land being sold by him to be recorded in the name of Bhudan Committee way back in the year 2007 itself, would not find the petitioner to be entitled for grant of privilege of anticipatory bail, inasmuch as, the petitioner prima-facie seems to

have already committed the offence of cheating.

At this stage, Mr. Ambuj Nayan Choubey, learned counsel for the petitioner invites attention of this Court towards paragraph no.25 of the bail application and submits that the petitioner would be ready to indemnify the complainant by paying the entire amount of the sale deed, in question.

That being so, if the petitioner, namely, Anil Kumar Tewari, appears before the court below within a period of four weeks from today and produces a bank draft in the name of complainant to the tune of Rs. 4,65,000/-, he will 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 Judicial Magistrate, First Class, Munger in connection with Complaint Case No. 543 of 2012, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to following conditions:-

- (i) The bank draft of Rs. 4,65,000/- in the name of Anishtha Devi, the complainant, being the consideration amount of the sale deed, in question, shall be handed over by the court below to the complainant which however shall remain subject to the final outcome of the trial against the petitioner.
- (ii) That both the bailors will be a close relative of the

petitioner, who will undertake an affidavit giving genealogy as to how they are related with the petitioner. The bailors will also undertake to inform the court if there is any change in the address of the petitioner.

(iii) That the affidavit shall clearly state that the petitioner is not an accused in any other case and if he is, he shall not be released on bail.

(iv) That the bailors shall also state on affidavit that they will inform the court concerned, if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.

(v) That the petitioner will be well represented on each and every date in course of trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled on this ground alone.

(Mihir Kumar Jha, J)

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