

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22427 of 2015

Arising Out of PS.Case No. -77 Year- 2015 Thana -HAJIPUR District- VAISHALI(HAJIPUR)

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Yugal Kishore Pd. Singh Son of Late Raghuni Pd. Singh Resident of
village - Senduari, P.S. Hajipur Sadar, District - Vaishali

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anish Chandra, Advocate.

For the Opposite Party/s: Mr. Amitesh Kumar(App)

For the Informant : Mr. Awadhesh Kumar Singh, Advocate.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 20-08-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under Sections 406, 420 and 468/34 of the Indian Penal Code and the admitted position that the informant before filing of the present case had already filed a Title Suit No. 880 of 2014 questioning the alleged cheating and/or forgery made by the petitioner in getting a sale deed executed in his favour from the alleged non-existing sister of the informant and that after filing of this police case against the petitioner a compromise has already been entered into between the parties stating that half of the land of his aforesaid sale deed has been given up by the petitioner in favour of the informant, this Court would find that the petitioner has made out a case for grant of anticipatory bail specially when he has asserted that he has no criminal antecedent.

That being so, if the petitioner, namely, Yugal Kishore Prasad Singh surrenders before the court below within a period of four

weeks from today, he shall be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount to the satisfaction of the learned Chief Judicial Magistrate/concern court, Vaishali at Hajipur in connection with Hajipur P.S. Case No. 77/2015; subject to the following conditions:

- (i) The court below, however, in presence of the informant, shall verify as with regard to correctness of the compromise and if it is satisfied that the alleged compromise is correct and also arrived at between the informant and the petitioner, both in the criminal case as also in the civil suit, it will grant bail to the petitioner but if on the other hand such compromise is found to be forged and fabricated, the petitioner will be taken into custody whereafter he will be at liberty to file application for regular bail.
- (ii) That both the bailors will be close family relatives 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 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 his 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)

Sujit/-

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