

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19990 of 2015

Arising Out of PS.Case No. -2467 Year- 2012 Thana -PATNA COMPLAINT CASE District-
PATNA

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Ran Vijoy Kumar, son of late Ramchandra Singh R/o Flat No. 102,
Sakuntla Apartment , Kavi Raman Path, Nageshwar Colony, P.s- Budha
Colony, District- Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Suresh Prasad Singh son of late Bisundeo Singh R/o Village- Karnati, P.s
- Bakhtiarpur, Dist- Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Murari Mishra, Advocate
For the Opposite Party/s : Dr.Kumar Uday Pratap (App)
For the Informant : Mr. Ashutosh Ranjan Pandey, Advocate.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 19-08-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under sections 406 and 420 of the Indian Penal Code and the fact that the complainant was a member of the Lok Bihar Sahkari Grih Nirman Samiti, Patna, who had paid approximately a sum of Rs. 65,000/- for getting two plots from Society, but when he could not get such possession, despite execution of sale deeds, the petitioner, in capacity of the Secretary of the aforesaid Society, had already refunded him a sum of Rs. 3.5 lacs as against the alleged agreed amount of Rs. 5 lacs, cannot deprive the petitioner from getting the privilege of anticipatory bail in a complaint case, specially when this Court would find it basically a civil dispute for which a

money suit could have been filed by the complainant/O.P. No. 2, and the petitioner has also got no criminal antecedent.

That being so, if the petitioner, namely, Ran Vijoy Kumar, 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, Patna in connection with Complaint Case No. 2467(C) of 2012; subject to the following conditions:

- (i) 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.
- (ii) 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.
- (iii) 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.

(iv) 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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