

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3728 of 2016

Arising Out of PS.Case No. -172 Year- 2014 Thana -KHAGAUL District- PATNA

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Babloo Kumar Kushwaha @ Babloo Kumar Son of Ram Eqbal Singh @
Ram Eqbal Kushwaha, resident of Village Navratanpur Post Office,
Khagaul Police- Station- Khagaul, District- Patna.

.... Petitioner

Versus

THE STATE OF BIHAR.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ajay Mishra, Advocate

For the Opposite Party/s : Mr. Sanjay Kr.Panday, APP

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 17-03-2016 Counter affidavit has been filed on behalf of the

informant keep it on the record.

Heard the learned counsel for the petitioner, the

learned counsel for the informant and the learned A.P.P.

representing the State.

The petitioner seeks bail in connection with

Khagaul P.S. Case No. 172 of 2014 registered for the offences

punishable under Sections 384, 406 and 420 of the Indian Penal

Code.

Allegedly, the informant having intimacy with the

petitioner purchased half katha of land through the petitioner on

30.03.2014 and the petitioner demanded Rs. 15,00,000/- from



the informant but the informant stated that he has only Rs. 12,00,000/- and then the petitioner gave blank cheque saying that you can withdraw Rs. 3,00,000/- from that cheque and then the informant gave Rs. 15,00,000/- to the petitioner but thereafter, the petitioner stopped the payment of that cheque and when the informant demanded the money, the petitioner started causing threats to lodge false case and to get him dismissed from the service. In CCTV footage of the bank, the aforesaid conduct of the petitioner can be verified.

Submission is of false implication and that the petitioner has also filed case against the informant though the informant has obtained bail in that case. In this case, the petitioner is suffering in custody since 26.11.2015, having no criminal antecedent, the dispute appears purely of civil nature, and as such, the petitioner deserves sympathetic consideration, to which the learned APP duly assisted by the learned counsel for the informant opposes by submitting that the petitioner has cheated the informant and grabbed the amount of Rs. 15,00,000/-. Earlier also the petitioner cheated the informant in getting the land purchased and the informant is a law abiding citizen, working as a cashier in State Bank of India, Khagaul Branch, whereas, the petitioner is a broker and intentionally, he

committed the crime.

In the facts and circumstances stated above, considering that charge-sheet has already been submitted and there is no chance of tampering with the prosecution evidence, and as such, the petitioner, above named, is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Danapur in connection with Khagaul P.S. Case No. 172 of 2014, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J.)

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