

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11941 of 2018

Arising Out of PS. Case No. -321 Year- 2017 Thana -AURANGABAD TOWN District-
AURANGABAD

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Pawan Kumar Pashwan @ Pawan Kumar Paswan, Son of Rameshwar
Paswan @ Rameshvar Ram, Resident of Village- Bhopatpur, P.S.- Barun,
District- Aurangabad.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Sanjay Kumar, Advocate
For the State : Mr. Jitendra Kr. Singh, APP
For the Informant : Dr. Leelawati Kumari, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 06-03-2018 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody since 13.11.2017 in
connection with Town P.S. Case No. 321 of 2017 for the offences
alleged under Sections 420, 406 and 506/34 of the Indian Penal
Code.

3. It is submitted that the petitioner has been falsely
implicated and in any event, the land in question belonged to the
mother of the petitioner and not to the petitioner. It is further
submitted that the two cheques issued by the petitioner to secure
repayment of Rs. 5.37 lacs received by him from the informant
towards the sale have bounced but at best the transaction in
question was civil in nature. In any event, the petitioner expresses
his willingness to refund the amount of Rs. 5.37 lacs paid to him by
the informant within a reasonable time. The petitioner claims clean
antecedents.

4. Learned APP for the State assisted by learned
counsel for the informant appearing suo motu have opposed the



bail petition, *inter alia*, stating that the land in question has since been sold by the petitioner's mother to a third party which has caused substantial loss to the informant including by way of stamp duty which had already been paid. The petitioner and his mother have acted in conspiracy to cheat the informant.

5. Be that as it may, having regard to the entirety of the facts and circumstances of the case, let the petitioner above named be released on provisional bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Town P.S. Case No. 321 of 2017, on the following conditions:-

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall pay an amount of Rs. 50,000/- (Rupees fifty thousand) to the informant before his bail bond is accepted. As regards the remaining Rs. 4.87 lacs, an amount of Rs. 1,50,000/- each shall be paid by 30.04.2018 and 31.05.2018, and the balance amount by 30.06.2018. Such payment shall abide by the final result of the trial.

(iii) The provisional bail granted to the petitioner shall be confirmed upon the entire payment of Rs. 5.37 lacs being made to the informant and in case of failure to make payment in accordance with the instalments stipulated hereinabove, the provisional bail shall stand automatically cancelled.

(iv) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(v) The petitioner shall cooperate with the investigation, if not already concluded, and make himself available



as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

B.T/Chandran

(Vikash Jain, J)

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