

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.37162 of 2018**

Arising Out of PS.Case No. -1607 Year- 2016 Thana -GAYA COMPLAINT CASE District- GAYA

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Santosh Kumar, S/o Late Kali Sao, R/o Mohalla- Dulhinganj, Town Gaya,  
P.S.- Kotwali, District- Gaya.

.... .... Petitioner/s

Versus

1. The State of Bihar.  
2. Binod Kumar, S/o Late Kailash Goswami, R/o Mohalla- Makhlodganj,  
Town Gaya, P.S.- Kotwali, District- Gaya .

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Akhileshwar Dayal

For the Opposite Party/s : Mr. Smt Sangeeta Sharma

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN**  
**PRASAD**  
ORAL ORDER

2      29-06-2018      Heard learned counsel for the petitioner and learned APP  
for the State.

The petitioner, in the present case, is seeking regular bail in connection with Complaint Case No.1607 of 2016, registered for offences alleged under Sections 323, 504, 506, 420 and 452 of the Indian Penal Code.

Learned counsel for the petitioner submits that in the nature of the allegations wherein it is alleged that the petitioner had received an advance of Rs.17,71,000/- under an agreement to sell a piece of land, the petitioner has already refunded Rs.3,00,000/- to the complainant and is ready and willing to refund the entire balance amount of Rs.14,71,000/- in two installments.



Learned counsel for the complainant is present in the Court and submits that he would have no objection for the purpose of bail if the petitioner is himself willing to pay and refund Rs.14,71,000/- to the complainant. This should however be without prejudice to his rights and contentions whatsoever it may be.

Considering the facts and circumstances of the case whereunder the petitioner is himself willing to refund the balance amount of Rs.14,71,000/- to the complainant, let the petitioner, above named, be enlarged on bail on his furnishing bail bond of Rs.15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1<sup>st</sup> Class, Gaya in connection with Complaint Case No. 1607 of 2016, subject to the conditions U/S 437(3) Cr.P.C. and subject to the further condition that at the time of his release he would submit a bank draft of Rs.7,36,000/- towards part payment in favour of the complainant.

Learned counsel for the petitioner, on instructions, submits that the petitioner is ready to deposit balance approximately Rs.7,35,000/- within a period of two months from the date of his release. This Court makes it clear that in case the petitioner fails to abide by the undertaking given by him through his lawyer before



this Court, his bail bond shall be cancelled by the court below  
without waiting for any application on behalf of the prosecution.

**(Rajeev Ranjan Prasad, J)**

Arvind/-

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