

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39561 of 2018

Arising Out of PS.Case No. -82 Year- 2016 Thana -AIRPORT District- PATNA

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1. Ashok Kumar Son of Late Chandra Deo Poddar C.M.D.Lord Ashoka
Home Graphic Infracom Pvt. Ltd Resident of Village : Shanti Market,
Jagdeo Path, P.S. Airport, Patna, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 25-07-2018 Heard both sides.

The petitioner seeks bail in Airport(Hawai Adda) P.S.
Case No.82 of 2016 registered under Sections 419, 420, 467, 468,
471, 120(B) of the Indian Penal Code.

The allegation against the petitioner that the petitioner
executed a deed of agreement to sale after receiving Rs.9 lacs in
cash and also receiving 4 cheques worth Rs.4 lacs. Altogether,
petitioner is said to have received Rs.24 lacs from the informant
and executed a deed of agreement to sale but the petitioner
avoided to execute the sale deed.

The learned counsel for the petitioner submits that the
petitioner encashed only two cheques, one of Rs.4,00,000/-



bearing cheque no.170706 and Rs.2,50,000/- bearing cheque no.170708. The petitioner did not receive any cash. The learned counsel for the petitioner submits that the petitioner was granted regular bail vide order dated 06.12.2016 on his undertaking that he would pay Rs.6,50,000/- within one month from the date of his release but the petitioner could not be able to pay the amount of Rs.6,50,000/- to the informant. After release of the petitioner from custody, the wife of the petitioner died. The brother of the petitioner also died. The pecuniary condition of the petitioner is very poor and the petitioner got two minor sons. Petitioner is not in a position to make payment of Rs.6,50,000/- at present. The bail bond of the petitioner was cancelled and thereafter the petitioner was taken into custody on 30.12.2017. The petitioner is in jail for about seven months.

Mr. Abhay Kumar Singh, learned counsel for the informant while vehemently opposing the prayer for bail of the petitioner submitted that the petitioner played fraud upon the informant and entered into an agreement with assurance to sell the property after receiving the consideration amount. The petitioner has not even fulfilled his undertaking given to this court for grant of his bail.

It appears that the petitioner has of course undertaken



to return Rs.6,50,000/- to the informant and on such undertaking, petitioner was granted bail on 06.12.2016 but the petitioner could not be able to make payment and consequently his bail bond was cancelled and the petitioner was taken into custody on 30.12.2017. Petitioner is in jail for about seven months after cancellation of his bail bond.

Taken into consideration the facts aforesaid and the fact that petitioner has already remained in jail for about seven months after cancellation of his bail bond on the ground of non-fulfillment of his undertaking, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of learned S.J-XV-cum-A.C.J.M., Patna in connection with Airport (Hawai Adda) P.S. Case No.82 of 2016.

(Prabhat Kumar Jha, J)

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