

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10903 of 2018

Arising Out of PS.Case No. -1079 Year- 2017 Thana -EAST CHAMPARAN COMPLAINT
District- EASTCHAMPARAN(MOTIHARI)

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1. Rakesh Kumar, Son of Jagdish Rai, Resident of Village- Barmaswa, P.S.-
Harsidhi, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Arvind Rai, Son of Late Thanedar Rai, Resident of Village- Barmaswa,
P.S.- Harsidhi, District- East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar @ Sonu Babu, Adv
Mrs. Rashmi Jha, Adv.

For the Opposite Party/s : Mr. Umanath Mishra

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 27-02-2018 Heard the parties.

The petitioner is apprehending his arrest in connection with
Complain Case No.1079 of 2017 registered for offences
punishable under Section 420 of the Indian Penal Code.

Allegation against the petitioner as per the complaint
petition is that the complainant executed sale-deed of land with
Ranjan Rai and the petitioner is only identifier and later on he
came to know that Ranjan Rai has sold some part of the land to
some other person.

Submission of the learned counsel for the petitioner is that
the dispute is civil of nature and for that under Section 144 of



Cr.P.C. proceeding was also initiated and it was found that the claim of Ranjan Rai is more genuine.

Heard learned A.P.P. also.

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of six weeks from the date of order, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-5, Motihari, East Champaran in connection with Complaint Case No.1079 of 2017, subject to conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

With following conditions :

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall co-operate in the investigation of the case and make himself available as and when required by the police, otherwise, the prosecution is free to move for cancellation of his bail bond.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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