

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36968 of 2018

Arising Out of PS. Case No.-20 Year-2018 Thana- PATEPUR District- Vaishali

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Anup Lal Rai @ Heman Rai, Son of Late Laldeo Rai, Resident of Village-
Bahuara, P.S.- Patepur, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Choudhary, Advocate
For the Opposite Party/s : Mr. Sri Shyam Kumar Singh (APP)

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

ORAL ORDER

2 28-06-2018 Heard learned counsel for the petitioner and
learned counsel representing the State.

The petitioner seeks bail in connection with
Patepur P.S Case No. 20 of 2018 registered for the offences
punishable under Section 406, 420/34 of the Indian Penal Code.

Allegedly, the petitioner and his son came at the
house of the informant and asked for money for the purpose of
performing the marriage of his daughter and talked for selling
the land and, thereafter, again they went at the house of the
informant and agreed to sell the land at the rate of Rs.
5,00,000/- per Katha and took Rs. 4,00,000/- from the informant
as an advance with condition that to receive the remaining
amount of Rs. 1,00,000/- at the time of execution of the sale



deed but thereafter the petitioner and his son neither executed the sale deed after receiving the amount of Rs. 1,00,000/- nor returned the money as taken an advance.

Submission is of false implication, the petitioner is the neighbour of the informant, there was no talk for selling the land, as alleged in the F.I.R. there is no chit of paper in that regard, only with a view to put pressure upon the petitioner to execute the sale deed in respect of the land situated near the house of the informant this false case has been lodged without any fault, the petitioner is suffering in custody since 28.04.2018 having no criminal antecedent, he is an old man aged more than 65 years and, as such, the petitioner deserves sympathetic consideration. The son of the petitioner has already been allowed pre-arrest bail vide Cr. Misc. No. 31978 of 2018 by another co-ordinate bench of this Court..

Learned A.P.P. fairly submits that the son of the petitioner who is co-accused has been allowed pre-arrest bail.

In the facts and circumstances stated above, the petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur, in connection with Patepur P.S.



Case No. 20 of 2018, 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.)

Rajiv/-

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