

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.28356 of 2018**

Arising Out of PS. Case No.-259 Year-2017 Thana- BUXAR District- Buxar

Dev Kumar Chaudhary, son of Shiw Shanker Chaudhary, R/o Village- Mahuji, P.S.- Dhina, District- Chaundauli (U.P.) and at Present Address- Sainik Coloney, Charitravan, Near Vishwamitra Gais, Buxar, P.S. Buxar (T), District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

**Appearance :**

|                          |   |                                                                           |
|--------------------------|---|---------------------------------------------------------------------------|
| For the Petitioner/s     | : | Mr. Rama Kantj Sharma, Sr. Advocate<br>Mr. Dr. Kamal Deo Sharma, Advocate |
| For the Informant        | : | Smt. Soni Shrivastava, Advocate<br>Mr. Rai bhardwaj, Advocate             |
| For the Opposite Party/s | : | Mr. Sri Narendra Kumar Singh(APP-150)                                     |

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

ORAL ORDER

3      18-05-2018                      Heard learned counsel for the petitioner, learned counsel for the informant and learned counsel representing the State.

The petitioner seeks bail in connection with Buxar (T) P.S Case No. 259 of 2017 registered for the offences punishable under Sections 406, 420, 467, 468/34 of the Indian Penal Code and Section 138 of N.I. Act.

Allegedly, the informant gave Rs.8,05,300/- to the petitioner and his son on 15.11.2015 to purchase a piece of land but after knowing that the aforesaid land is disputed the informant told the petitioner to return his amount and then after



persuasion the son of the petitioner gave three cheques to the informant which were bounced and thereafter the son of the petitioner gave Rs. 2,05,300/- on 24.04.2017 to the informant. The informant has already returned the bounced cheques to the petitioner and on demand the petitioner and his son did not pay the rest amount.

Submission is of false implication and that the dispute is purely of civil nature, chargesheet has not been submitted under Section 138 of N.I. Act. The petitioner is in custody since 08.04.2018. The petitioner is ready to get the sale deed executed from the land owner to the informant but the informant is not ready for purchasing the same. The petitioner is only a mediator and is an old person suffering from prostate cancer vide Annexure-2. Co-accused Jitendra Kumar Singh @ Munna Singh has been allowed pre-arrest bail vide A.B.P. No. 784 of 2017 and, as such, the petitioner deserves sympathetic consideration.

Learned A.P.P. duly assisted by the learned counsel for the informant opposes the prayer of bail by submitting that petitioner has got criminal antecedent and he is involved in other cases of similar nature, he is habitual in committing such crime.



In the facts and circumstances stated above, considering the custody of the petitioner and further considering that investigation is complete, now 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, Buxar, in connection with Buxar (T) P.S. Case No. 259 of 2017, 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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