

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.48178 of 2018**

Arising Out of PS.Case No. -47 Year- 2014 Thana -PATNA COMPLAINT CASE District- PATNA

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1. Haridwar Upadhyay, Son of Late Bindeshwar Upadhyay, Resident of Sumitra Bhawan, R.M.S. Colony, Road No. 3, P.S.-Kankarbagh, District Patna.

.... .... Petitioner/s

Versus

1. The State of Bihar.  
2. Narayan Ojha, Son of Late Raghuveer Ojha, Resident of Mohalla-Bahadurpur Housing Colony, Centre No. 7, Block-7, Flat No. 15, Bhutnath Road, P.S.-Agamkuan, District Patna.

.... .... 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 VINOD KUMAR SINHA**  
**ORAL ORDER**

2      27-09-2018                      Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The Petitioner seeks regular bail in connection with Complaint Case No. 47 of 2014, registered for offences punishable under Sections 420/34 of the Indian Penal Code and Section 138 of the Negotiable of Instrument Act.

As per the F.I.R. allegation against the petitioner is that the petitioner had taken Rs. ten lakhs in the year, 1987 on the pretext of executing sale deed of land but he did not execute the sale deed in favour of the complainant.

Submission of the learned counsel for the petitioner that earlier the petitioner has been granted bail by the learned court below but the same was cancelled by the 1<sup>st</sup> Additional Sessions Judge, Patna and that order was up held by this Court vide order



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dated 18.04.2018 as well as the Hon'ble Supreme Court of India on ground that the complainant was not heard and now the petitioner is in custody since 05.06.2018.

Heard learned A.P.P . as well as learned counsel for the informant.

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 25,000/- ( Rupees Twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Patna City in connection with Complaint Case No. 47 of 2014, subject to the 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) It is made clear that if petitioner found involved in any of the like offences, in future, prosecution is free to move for cancellation of his bail bonds.

**(Vinod Kumar Sinha, J)**

Sudha/-

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