

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6171 of 2019

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

Vikash Kumar, aged about 30 years (M), S/O- Dev Kumar Chaudhary,
Resident of Village- Mahuji, P.S.- Dhina, Dist.- Chaundauli (U.P.), at present
R/O Sainik Colony, P.S. Buxar(T), District-Buxar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Dr. Kamal Deo Sharma, Advocate.
For the Opposite Party : Mr.Binod Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 04-02-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 406, 420, 467, 468/34 of
the IPC and 138 of N.I. Act.

The prosecution story, in brief, is that the F.I.R.
named accused persons including the petitioner have taken Rs.
8,05,300/- as advance money for executing sale deed of 1½
Katha land situated at near Sarenja Gola, Ward No. 01 on
Chousa Buxar Road but after that informant got information that
the said land is disputed land so he demanded to return his
money from the petitioner and other co-accused. Thereafter, on
10.04.2017, petitioner has given three cheques of Rs. 8,05,300/-



of the Bank of Baroda but all cheques were not credited in favour of informant due to payment stopped by drawer. On 09.05.2017, petitioner has paid Rs. 2,05,300/- to the informant. On 12.05.2017 when informant has demanded his rest money from the petitioner and co-accused but they did not pay the same to him and thus they want to defalcate the same in a criminal conspiracy.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has been made accused in the present case due to mistake of fact. The matter has already been compromised between the parties vide Annexure-2 to the present application.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R/ complaint case.

Considering the aforesaid facts and circumstances, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the



like amount each to the satisfaction of the learned C.J.M.,
Buxar, in connection with Buxar (T) P.S. Case No. 259 of 2017,
subject to the conditions as laid down under Section 438(2) of
the Code of Criminal Procedure.

(Sudhir Singh, J)

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