

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31967 of 2019**

Arising Out of PS. Case No.-53 Year-2019 Thana- SAHPUR District- Patna
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KUNAL KUMAR Son of Sharawan Singh Resident of Village- Hanumanganj,
P.S.- Shahpur, Distt - Patna.

... .. Petitioner

Versus

1. THE STATE OF BIHAR
2. Ashok Kumar Singh @ Ashok Kumar Son of Late Krisnandan Singh
Resident of Village - Bhagwatipur, P.S.- Shahpur, Distt - Patna, Presently
residing at Shivam Raj Residency, Flat No. 604, Gola Road, Danapur, P.S.-
Rupaspur, Distt - Patna.

... .. Opposite Parties

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Appearance :

For the Petitioner : Mr. Sanjay Kumar Singh, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 08-08-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 406 and 420 of the Indian Penal Code
registered in connection with Shahpur P.S. Case No. 53 of 2019.

3. It is submitted that the petitioner has been falsely
implicated on the accusation of having received Rs. 5,00,000/-
towards advance for sale of five *kathas* of land but did not execute
the sale deed nor refund the amount. The petitioner is said to be
the middleman in the transaction and without prejudice,
undertakes to refund the amount of Rs. 5,00,000/- to the
informant/purchaser within a period of three months hereof. The
petitioner claims clean antecedents.

4. Be that as it may, in the event of the petitioner's
arrest or surrender before the court below within six weeks from
the date of communication of this order, let the above named
petitioner be released on provisional bail on furnishing bail bond



of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate Ist, Danapur at Patna in connection with Shahpur P.S. Case No. 53 of 2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions -

(i) That the petitioner shall repay the entire amount of Rs. 5,00,000/- in three equated monthly instalments hereof.

(ii) That one of the bailors shall be a close relative of the petitioner.

(iii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iv) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(v) That the petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(5) The provisional bail shall stand confirmed upon deposit of the entire amount being made by the petitioner within the stipulate period. It is made clear that default in making payment of instalments shall result in automatic cancellation of provisional bail of the petitioner.

(Vikash Jain, J)

Ibrar/Chandran

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