

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37277 of 2019

Arising Out of PS. Case No.-45 Year-2019 Thana- PARAIYA District- Gaya

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MOHAN YADAV S/O Baleshwar Prasad @ Baleshwar Yadav Resident of
Mohalla- Magadh Colony, Road No. 12, P.S.- Magadh Medical College,
District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sandhya Devi W/O Vimal Kumar Resident of Village- Kalyanpur Delha,
P.S.- Delha, District- Gaya.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar
For the Opposite Party/s : Mr.Ramchandra Singh

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 19-06-2019 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, 420, 506, 34 120(B) IPC registered in
connection with Paraiya P.S. Case No. 45 of 2019.

3. It is submitted that the petitioner has been falsely
implicated in connection with accepting Rs. 31,000/- as earnest
money and further amount of Rs. 3,60,000/- for sale of 20
katthas of land to the informant, which was however,
subsequently sold to a third person. Cheque of Rs. 3, 60,000/-
issued by the petitioner was dishonoured for insufficient funds.
In any event, the petitioner expresses his willingness to pay the
amount of Rs. 3,60,000/- along with earnest money of



Rs.31,000/- to the informant in appropriate instalments.

4. Be that it may, in the event of petitioner's arrest or surrender within four weeks hereof let the above named petitioner be released on provisional anticipatory bail on furnishing bail bond of Rs. 10,000/- [ten thousand] with two sureties of like amount each to the satisfaction of learned ACJM III, Gaya in connection with Paraiya P.S. Case No. 45 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 one of the bailors shall be a close relative of the petitioner.

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

(iii) That the petitioner shall co-operate 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.

(iv) 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.

(v) That the petitioner shall repay the entire amount of Rs.



3,60,000/- + Rs. 31,000/- = Rs. 3,91,000/- to the informant in four equal monthly instalments, the first such installment shall be paid not later than by the end of July, 2019 and the remaining by the end of every succeeding month.

5. The provisional bail granted to the petitioner shall be confirmed upon verification that the entire amount is repaid to the informant, as stipulated above.

6. If the petitioner fails to pay two consecutive instalments as stipulated above, the provisional bail shall automatically stand cancelled.

(Vikash Jain, J)

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