

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.73859 of 2018

Arising Out of PS. Case No.-492 Year-2018 Thana- DANAPUR District- Patna

Nirmal Kumar S/o Late Punit Lal, Resident of Mohalla - Pachuchak, P.S. Danapur, District-Patna.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Anil Kumar No.1, Advocate
For the Opposite Party : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 21-01-2019 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 420, 406, 467, 468, 469, 471, 389, 323, 379, 504, 506 and 120B/34 of the Indian Penal Code registered in connection with Danapur P.S. Case No. 492 of 2018.

3. It is submitted that the petitioner has been falsely implicated merely because he happens to be the husband of the seller of the land, namely, Manju Devi, who sold the land to Arvind Kumar and Sabita Devi, who in turn have sold the land to the informant. It is submitted that at best the transaction constitutes a dispute of civil nature in the backdrop of Title Suit No. 56 of 2018 pending in the court of learned Sub-Judge II, Danapur between the said Manju Devi and the informant. It is further submitted that seller Manju Devi and other accused, namely, Ved Prakash, Samir Raj and Mahanand Prasad have been granted anticipatory bail by a coordinate Bench of this Court vide order dated 14.12.2018 passed in Cr. Misc. No. 64603 of 2018. 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 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, Danapur, Patna, in connection with Danapur P.S. Case No. 492 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and with 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 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.

(iv) 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.

(Vikash Jain, J)

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