

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

**Criminal Miscellaneous No.21296 of 2018**

Arising Out of PS. Case No.-136 Year-2017 Thana- DIGHA District- Patna

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Rakesh Kumar son of Late Anand Bihari Sharma, Resident of Shivpuri,  
Road No.- A/2, House No.- 1/B, P.S.- Rajeev Nagar, District and Town-  
Patna.

... .. Petitioner

Versus

1. The State of Bihar
2. Prabha Devi, Wife of Surajnath Singh, Resident of RamjiChak Digha, P.S.-  
Digha, District- Patna, At present Residence at House No. DP- D/30 First  
Floor, Bhuveshwar Nagar Colony, Varanasi, Uttar Pradesh- 221007.

... .. Opposite Parties

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**Appearance :**

For the Petitioner : Mr. Ranjeet Kumar, Advocate.

For the State : APP

For the O.P. No. 2 : None

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**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**

ORAL ORDER

5      20-02-2019                      As prayed, learned counsel for the petitioner is  
  
permitted to make correction in paragraph-7 of the petition to  
  
read the name "Prabha Singh" in place of "Prabha Sinha", in  
  
course of the day.

2. The petitioner apprehends his arrest for the offences  
  
alleged under Sections 420, 467, 468, 471 of the Indian Penal  
  
Code registered in connection with Digha P.S. Case No. 136 of  
  
2017.

3. It is submitted that the petitioner has been falsely  
  
implicated and as a matter of fact if the vendors have  
  
impersonated the informant, then it is the petitioner who has  
  
been cheated as he has paid valuable consideration amount of Rs.  
  
22,05,000/-, out of which an amount of Rs. 15,00,000/- has been



paid by way of housing loan from State Bank of India credited into the bank account of the informant. It is submitted that the housing loan was granted to the petitioner after due verification of all documents of the seller. The petitioner has also instituted Complaint Case No. 808 of 2018 in the court of learned Additional Judicial Magistrate, Patna, which has been referred for institution of F.I.R. and investigation is pending. The petitioner claims clean antecedent.

4. Learned APP appears and has been heard.

5. Despite valid service of notice, the opposite party no. 2 has not entered appearance nor is she represented when the matter is called today.

6. 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 Chief Judicial Magistrate, Patna in connection with Digha P.S. Case No. 136 of 2017, 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 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.

(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.

**(Vikash Jain, J)**

Ibrar/BT

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