

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43582 of 2019

Arising Out of PS. Case No.-2028 Year-2015 Thana- GAYA COMPLAINT CASE District-
Gaya

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Uday Yadav, S/o Late Naresh Yadav, R/o village- Jamdi, Tola- Sirajpur, P.S.-
Cherki (Bodh Gaya), District- Gaya . At present resident of Mohalla-
Mustafabad, Hanuman Nagar Imlee Tree, P.S.- Rampur, District- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kundan Kumar Srivastava, S/o Suresh Kumar Srivastava, R/o village-
Purkhanchak, P.S.- Dumariya, District- Gaya

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manish Kumar No.2, Adv.

For the Opposite Party no.1: Mr.Md. Matloob Rab, APP

For the Informant : Mr. Rabindra Kumar Priyadarshi, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 20-09-2019 Heard learned counsel for the petitioner and learned
APP for State as well as learned counsel for the informant.

The petitioner in this case is seeking anticipatory bail
in connection with Complaint Case No.2028 of 2015 registered
for the offences punishable under Sections 420, 406, 467, 468
and 471 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is a small type property dealer and he had shown to
the informant the agreement under which he had himself
acquired a right to sell the land, but unfortunately later on it was
found that the said land had already been sold to one Uday



Kumar Verma by predecessor of the title holder. It is submitted that there was no intention on the part of the petitioner to cheat the informant.

Learned counsel for the informant submits that he is presently looking for only get back his money from the petitioner and if the petitioner agrees to pay back the amount in question within three months, he would receive the same and shall not prosecute the case.

In the given facts and circumstances of the case, learned counsel for the petitioner has made a statement on instruction that the petitioner will pay back the entire amount of Rs.1,51,000/- in three instalments of Rs.50,000/- each within next three months. The first instalment will be paid within one month from today and like-wise other two instalments shall be paid.

In the aforesaid view of the matter, let the petitioner above named in the event of his arrest or surrender within a period of four weeks from today, be enlarged on bail on furnishing bail bonds of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Gaya in connection with Complaint Case No.2028 of 2015, subject to the condition as



laid down under Section 438 (2) of the Cr.P.C. and further subject to compliance of his own undertaking as have been recorded hereinabove. After receipt of the entire amount, the informant shall cooperate the petitioner in closure of the case. If the petitioner fails to abide by his own undertaking in terms stated hereinabove his bail bond shall be cancelled and the consequences shall follow.

This application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

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