

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23876 of 2019

Arising Out of PS. Case No.-335 Year-2014 Thana- GARDANIBAG District- Patna

NITYA NAND KUMAR, Son of Ram Keshwar Kewat, Resident of Chitragupa Marg, Near- D.V.C. Chowk, Jakkanpur, P.S.- Jakkanpur, District- Patna and permanent resident of Village- Bijawar Post- Akauna via Nadwa, P.S.- Dhanarua, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjiv Sharan, Adv.

For the Opposite Party/s : Mr.Bal Mukund Prasad Sinha (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

6 24-01-2020 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner apprehends his arrest in a case registered for the offence punishable under Section 406, 420, 467, 468, 471, 120B, 504, 506, 34 of the Indian Penal Code and Section 66, 67 of I.T. Act.

Informant has alleged in her complaint petition in the Court of C.J.M., Patna giving rise to Gardanibagh P.S. Case No. 335 of 2014 stating therein that petitioner has taken Rs.5 lakhs from her to provide job to her son, Chandan Kumar but same could not be provided by him and when she demanded her money back, he refused to pay as such present complaint case has been filed.



It has been submitted on behalf of the petitioner that complainant had not disclosed the mode and manner in which said money was paid to him and allegations cannot be looked into for the reason that no legal agreement can be made for unlawful act. The payment of the alleged money is said to be in the year 2010 and complaint has been filed in 2013. It has further been submitted that similar allegation was also made by a different complainant giving rise to Jakkanpur P.S. Case No 142 of 2013 in which petitioner has been granted anticipatory bail.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on anticipatory bail, in the event of his arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Gardanibagh P.S. Case No. 335 of 2014, subject to the condition as laid down under Section 438(2) of the Cr.P.C with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be present on each and every date fixed by the court and his absence on two consecutive dates without proper and reasonable



reason will be sufficient to cancel his bail bond.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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