

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.23318 of 2020**

Arising Out of PS. Case No.-401 Year-2019 Thana- ROSERA District- Samastipur

Pankaj Kumar, S/o Late Asharfi Shah, Resident of Village/Mohalla- Dagwar
Toli, Mahavir Ashthan, P.S.- Rosera, District- Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Abhimanyu Sharma, Advocate
For the Opposite Party/s : Mr. Pramod Kumar Pandey, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

5 18-12-2020 Learned counsel for the petitioner undertakes to remove all the defects pointed by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Pramod Kumar Pandey, learned A.P.P. for the State.

Petitioner in the present case is seeking pre-arrest bail in connection with Rosera P.S. Case No. 401 of 2019 registered for the offences punishable under Sections 420, 467, 468, 471/34 and 120B of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is the submission of learned counsel for the petitioner that the petitioner has been cheated by the co-accused who had sold the land to him for consideration. Learned counsel submits that the



petitioner is not in possession of the property and has lost his money, he is himself looking for recovery of the same and action against the persons who have duped him. Learned counsel submits that the petitioner has otherwise no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

Having regard to the facts and circumstances of the case, wherein it is the submission of learned counsel for the petitioner that in fact he has been cheated by the co-accused who had sold the land to the petitioner for consideration, learned counsel has further informed this Court that the petitioner is not even in possession of the property and having lost his money he is himself looking for recovery of the same and action against the persons who have duped him, further submission that the petitioner has otherwise no criminal antecedent and then the learned A.P.P. for the State has not controverted the submissions on behalf of the petitioner that he is neither in possession of the property nor in any other manner benefited from the said transaction, this Court directs 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. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional



Chief Judicial Magistrate, Rosera at Samastipur in connection with Rosera P.S. Case No. 401 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

This application is allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

