

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25509 of 2020**

Arising Out of PS. Case No.-312 Year-2019 Thana- BARACHATTI District- Gaya

RAJ KUMAR YADAV S/o Etwari Yadav Resident of Village-Dewaniya, P.S.-
Barachatti, District-Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Nitya Nand, APP.

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

2 28-09-2020 . As of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through Video Conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual court proceedings from their homes, all with the aid of audio visual technology.

Heard learned Counsel for the petitioner and the learned Counsel for the State.

. This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in Barachatti PS Case No. 312 of 2019 registered under Sections 341, 323, 504, 506, 504 and 420 of the IPC.

The prosecution case is that the petitioner and his wife had



taken Five lakh rupees as advance over a land. Neither he has executed the deed of conveyance nor he has returned entire money to the informant. On demand being raised it is alleged that the informant has also been assaulted.

Learned counsel for the petitioner submits that there is allegation that the cheque given by the petitioner for refund of the amount bounced. However no complaint has been lodged regarding bouncing of the cheque. The petitioner is in custody since 23.10.2019. He has no criminal antecedent and it is submitted that the prosecution case is only to extort undue money from the petitioner.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of ACJM, Sherghati, Gaya in Barachatti PS Case No. 312 of 2019 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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