

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24354 of 2020

Arising Out of PS. Case No.-70 Year-2018 Thana- ARA NAWADA District- Bhojpur

Vishnu Shanker Sukla @ Pappu Sukla @ Vishnu Shankar Shukla @ Pappu Shukla , aged about – 55 years, male, S/o Yogendra Shukla, R/o Village - Shuklapura, P.S.- Ara Muffasil, District - Bhojpur.

... .. Petitioner/s

Versus

(1) The State of Bihar

(2) Biteshwar Kumar Singh S/o -Late Dudheshwar Singh, Resident of vill - Bashishtapuri, (New Police Lines) Ara P.S - Ara Nawada Distt - Bhojpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar
For the Opposite Party/s : Mr. Ajay Kumar Jha

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 10-12-2020 Heard Mr. Ravindra Kumar, learned counsel for the petitioner and Mr. Ajay Kumar Jha, learned counsel appearing for the State through video conferencing.

Petitioner seeks regular bail in connection with Ara Nawada P.S. Case No. 70 of 2018 registered for the offence under Section 419 / 420 / 406 / 120B of the I.P.C.

The allegation as per the First Information Report is that the petitioner, being a property dealer proposed to sale a plot measuring 23 decimals to the informant and after negotiation and perusal of the documents by the informant, the informant paid a sum of Rs. 3 Lakhs in cash and transferred Rs. 37 Lakhs through RTGS in the A/c No.60293434413 of one



Raju Singh purported to be the land owner and when the informant went to the land for its measurement, then Raju Singh and his elder brother came to him and stopped measurement of the land claiming that the land belongs to them and when the informant verified the A/c No. 60293434413 from the Bank, then he found that the same A/c is in fake name of Raju Singh and from this A/c money has been transferred to this petitioner.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case inasmuch as from perusal of the First Information Report it is evident that the informant after verifying the land documents has agreed to purchase the land and transferred the sum of Rs. 37 Lakhs into the Bank A/c of Raju Singh and during the course of investigation it has come to light that a sum of Rs. 16 Lakhs has been transferred into the A/c of this petitioner from the Bank A/c of Raju Singh.

On the other hand, learned counsel for the State submits that there is direct allegation against the petitioner that he had given the documents of one Raju Singh to the informant and the informant transferred a sum of Rs. 37 Lakhs into the A/c maintained in the name of Raju Singh through RTGS and when the informant went for measurement of the land then Raju Singh



and his elder brother raised objection saying that they are the real owners of the land and when the informant enquired about the money then it came to light that A/c of Raju Singh in which money was transferred was fake one and from the fake account money has been re-transferred into the A/c of the petitioner. Learned counsel for the State further submits that charge sheet has already been submitted in the present case against the petitioner.

Having regard to the submission made by the parties and taking into consideration the materials available on record, the fact that charge sheet has already been submitted in this case and there is no apprehension that the petitioner will abscond or tamper with the evidence and he is in custody since 12.05.2020, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Ara Nawada P.S. Case No. 70 of 2018 on the following conditions:-

(i) that the petitioner will file an affidavit giving undertaking that he will not leave the



country without prior permission of the trial court and shall deposit his passport in the court below;

(ii) that the petitioner shall remain present on each and every date during the course of trial and in case of default on two consecutive dates on the part of the petitioner, his bail bond shall liable to be cancelled.

It is made clear that at the time of furnishing bail bond all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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