

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79643 of 2019

Arising Out of PS. Case No.-284 Year-2017 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

KUMAR PRABHAKAR @ PRABHAKAR SINGH Son of Ashok Kumar
Singh Resident of Mohalla-G.C. Banerjee Lane, Mundhichak, P.S-
Tilkamanjhi, District-Bhagalpur, Bihar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Krishna Gupta, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

5 22-06-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The matter has been taken up through virtual Court
proceeding.

The petitioner has preferred the present application for
grant of bail in a case registered for the offences punishable
under Sections 419, 420, 467, 468 and 471 of the I.P.C.

The prosecution case as per the written report of Lakhan



Lal Sah submitted before the S.H.O., Aadampur Police Station is to the effect that on 15-03-2015, the informant went to the office of D. Pro Foundation Private Limited , a real estate firm, to purchase a piece of land. The Company's proprietor, co-accused, Pintu Rai @ Kapil Deo Rai suggested him to buy 4 kathas of land. The total consideration amount of the same was fixed as Rs.7,40,000/- out of which, the informant paid Rs.4,51,000/- as advance money. Thereafter, neither the land has been transferred nor the money, taken as advance, has been returned to the informant and when the informant demanded his advance money back, it is alleged that co-accused, Pintu Rai pointed pistol upon him and threatened him.

It is submitted by learned counsel for the petitioner that the thrust of accusation is against co-accused, Pintu Rai @ Kapildeo Rai, who has been granted bail by the learned Court below on the undertaking given by the co-accused to the effect that he will return the received advance amount, and in fact, out of total received amount, amount to the tune of Rs.2,15,000/- have already been returned to the informant. It is further submitted that the petitioner has lodged Complaint Case No. 1348 of 2018 against co-accused, Pintu Rai @ Kapildeo Rai who is cousin brother of the petitioner and while was working as a Manger



under the real State business of the petitioner committed several frauds, as a result, the petitioner is facing prosecution in 17 similar other cases, but the petitioner is on bail in all these cases. Though the petitioner was granted provision bail vide order dated 28.08.2018 passed in Criminal Miscellaneous No.49333 of 2018 on the submission that he is ready to return the rest amount, but the petitioner could not surrender and deposit the amount due to his poor financial condition and co-accused, Pintu Rai has been granted bail by the learned Court below on the basis of undertaking that he is ready to return the alleged amount.

The petitioner is languishing in custody since 04.05.2019 and investigation has already been concluded.

Learned APP for the State submits that the petitioner was granted provisional anticipatory bail on the ground of undertaking to deposit the alleged amount received, but he did not deposit the same. However, learned counsel for the State does not dispute this fact that that the alleged amount was given to co-accused, Pintu Rai, who has been granted bail on the undertaking before the learned court below that he will return the said amount to the informant.

Considering the thrust of accusation against co-



accused, Pintu Rai who has been granted bail, in view of the fact that in other cases the petitioner has been granted bail and the investigation has already been concluded, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned ACJM-VIII, Bhagalpur, in connection with Kotwali (Adampur) P.S. Case No. 284 of 2017 (GR No. 2097 of 2017).

However, in view of the present pandemic, COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card, to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned ACJM-VIII, Bhagalpur, in connection with Kotwali (Adampur) P.S. Case No. 284 of 2017 (GR No. 2097 of 2017).

The learned Court below will further be at liberty to



extend the period of provisional bail further if the court proceeding in physical mode will not resume in next three months.

(Dinesh Kumar Singh, J)

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