

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.31208 of 2020**

Arising Out of PS. Case No.-103 Year-2020 Thana- SHASTRINAGAR District- Patna

AMIT KUMAR SRIVASTAV Son of Anil Kumar Srivastav Resident of  
Manikpur, Gopalganj Behind Shiv Mandir, Gopalganj, P.S.- Gopalganj,  
District- Gopalganj.

... .. Petitioner

Versus

1. The State of Bihar  
2. Bipin Kumar, S/O Sri Lalan Prasad, R/O Village +P.O. Kala Diara, P.S.-  
Salimpur, District-Patna

... .. Opposite Party

**Appearance :**

|                      |   |                                                      |
|----------------------|---|------------------------------------------------------|
| For the Petitioner/s | : | Mr.Ranjeet Kumar,Advocate<br>Mr.Ayush Kumar,Advocate |
| For the State        | : | Mr.Syed Ehtehamuddin,APP                             |
| For the O.P. No. 2   | : | Mr.Nishant Kumar,Advocate                            |

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

4      25-03-2021              Learned counsel for the petitioner undertakes to  
remove all the defects as pointed out by office within four  
weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner, learned  
counsel for the O.P. No. 2 and learned APP for the State.

The petitioner in the present case is seeking pre-arrest  
bail in connection with Shashtri Nagar P.S. Case No. 103 of  
2020 (seems to have been wrongly typed as 103/2000)  
registered for the offences punishable under Sections 406,  
420/34 of the Indian Penal Code.

The allegation against the petitioner is that he in  
collusion with the co-accused has made the informant to deposit



a sum of Rs.30 lakhs in his account as consideration amount against a piece of land which was offered for sale. The informant realised that he has been duped as various facts emerged later on showing that forged documents were used by the co-accused in collusion with the petitioner to make him to believe that the land is available for sale and in the name of that he is required to pay the amount even before showing all the documents.

Learned counsel for the petitioner submits that at this stage he has instruction to say that the petitioner has already returned Rs.8 lakhs to the informant and is ready and willing to return the rest of Rs.22 lakhs within 6 months in 6 equal monthly installments. This would, however, be without prejudice to his rights and contentions in the criminal case.

Learned counsel for the informant has though initially opposed the prayer for anticipatory bail of the petitioner but having realised that the petitioner has come out with a stand on his own to return the entire amount within 6 months, agrees to the same and does not oppose the prayer for pre-arrest bail provided the petitioner abides by his assurance made before this Court.

In the given facts and circumstances of the case, let



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 Chief Judicial Magistrate, Patna in connection with Shashtri Nagar P.S. Case No. 103 of 2020 (seems to have been wrongly typed as 103/2000), 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. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

And further condition that in terms of his own assurance given before this Court the petitioner shall pay the rest of the amount i.e. Rs.22 lakhs in 6 equal monthly installments to the informant beginning from the month of April 2021.

Let it be recorded that learned counsel for the petitioner has made this statement after seeking two short adjournments in course of hearing to seek instruction from the petitioner and he has apprised this Court that he has instruction to make this statement.

In case the petitioner fails to abide by his assurance offered before this Court, it will be open to the informant to file an appropriate application for cancellation of bail bond of the petitioner.

This application stands disposed of accordingly.

**(Rajeev Ranjan Prasad, J)**

SUSHMA2/-

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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'.

