

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.401 of 2021

Arising Out of PS. Case No.-1468 Year-2019 Thana- PATNA COMPLAINT CASE District-
Patna

VIDYA RAI, Son of Late Paltan Rai, Resident of Village- Gulamlichak, P.S.-
Bihta, District- Patna.

... .. Petitioner

Versus

1. The State of Bihar
2. Jyotsana Ranjan, Wife of Sanjeev Kumar, Resident of Mohalla- C-514,
Jyotipuram, Jagdeopath, P.S.- Rupaspur, District- Patna.

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Ms. Soni Shrivastava, Advocate
For the Opposite Party/s	:	Mr.Md. Fahimuddin, A.P.P.
For the Informant	:	Mr. Rohit Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 16-12-2021 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 Ms. Soni Shrivastava, learned counsel for the petitioner, Mr. Rohit Kumar, learned counsel for the complainant-opposite party no. 2 and Mr. Md. Fahimuddin, learned A.P.P. for the State.

Petitioner in the present case is seeking pre-arrest bail in connection with Complaint Case No. 1468(C) of 2019 registered for the offences punishable under Sections 420, 406, 467, 468, 471 and 34 of the Indian Penal Code. Petitioner has got no criminal antecedent.

As per the allegations, the petitioner had executed a sale



deed in favour of the complainant-opposite party no. 2 in respect of Khesra No. 2326 for a consideration amount of Rs. 77 lacs but later on it was found that the said land does not belong to the petitioner.

Yesterday, after hearing for some time, the matter was adjourned on the request of Ms. Soni Shrivastava, learned counsel for the petitioner to seek instruction as to whether the petitioner would be willing to refund the entire consideration amount to the complainant-opposite party no. 2.

Learned counsel for the complainant-opposite party no. 2 has shown his inclination to accept refund of the entire amount mentioned in the sale deed.

Today, learned counsel for the petitioner has informed that the petitioner is ready to pay 50% of the consideration amount within eight weeks from today and the rest of 50% shall be paid to the complainant-opposite party no. 2 in six equal monthly installments.

Learned counsel for the complainant-opposite party no. 2 accepts this offer and submits that if the petitioner pays this amount, without prejudice to her right and contentions against the petitioner, she would accept the amount and shall not raise any objection to grant him privilege of pre-arrest bail.

Having regard to the submissions noted above, this



Court directs the petitioner above-named in the event of his arrest or surrender within eight weeks from today be released on bail provisionally on furnishing of bail bonds of Rs. 25,000/- (Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned ACJM-II, Danapur, Patna in connection with Complaint Case No. 1468(C) of 2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

And further condition that the petitioner shall abide by his promise made to the complainant-opposite party no. 2 before this Court that he would pay 50% i.e. 38.5 lacs to the complainant-opposite party no. 2 within eight weeks from today. If he fails to abide by this condition, his bail bond shall be cancelled immediately and forthwith by the learned court below and steps shall be taken to take him in custody.

The petitioner shall pay the rest of the amount i.e. Rs. 38.5 lacs in six equal monthly installments. Breach of this condition in paying installments at any stage shall also be a ground for cancellation of his provisional bail.

On being satisfied that the petitioner has complied with the conditions as above, his bail bond shall be confirmed by the learned court below.

Ms. Soni Shrivastava, learned Advocate has submitted at this stage that perhaps the petitioner has deposited a sum of Rs.



2,19,050/- by way of challan in the treasury for purpose of correction of the sale deed giving a different plot number but in view of this development now the said amount would be required to be taken refund of and according to her the money will go in the account of complainant-opposite party no. 2. If it is so, the complainant-opposite party no. 2 is expected to cooperate with the petitioner and on getting the money in her account the complainant-opposite party no. 2 shall give the adjustment of the said amount to the petitioner.

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.

The application stands disposed of accordingly.

(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'.

