

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27878 of 2021

Arising Out of PS. Case No.-468 Year-2017 Thana- PATNA COMPLAINT CASE District-
Patna

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UMESH RAI Son of Late Raja Ram Rai Resident of Village - Rampur, P.S. -
Naubatpur, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Baleshwar Prasad Son of Kishori Sah Resident of -Shanti Niwas, Anand
Path, Bhikhachak, P.O. - Anishabad, P.S. - Gardanibag, District - patna, Pin
No. -800002.

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Ashok Kumar Sinha
For the Opposite Parties	:	Md. Mushtaque Alam
		Mr. Bimal Kumar Jha
		Mr. Virendra Kumar
		Mr. Bam Bahadur Jha
		Mr. Sushil Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

7 29-06-2022 Heard learned counsel for the petitioner, learned
counsel for the complainant and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 420, 406,
465, 468 & 471/34 of the Indian Penal Code.

3. The accusation against the petitioner is that he
sold certain piece of land to complainant by registered deed of
sale declaring it free from any defect. However, later on, it came
to light that the said land had already been acquired by the
Government of Bihar in 1980s and father of petitioner had



received compensation against acquisition and this fact was known to the petitioner and he thereby cheated the complainant.

4. It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He has been falsely implicated in this case. The petitioner is bona fide owner of the land and he has validly executed the sale deed in favour of complainant after receiving consideration money. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He has no criminal antecedent.

5. After some arguments, learned counsel for the petitioner submitted that the petitioner is ready to pay Rs.2,60,000.00 (Rupees Two Lakhs Sixty Thousand) in two equal installments. First installment of Rs.1,30,000.00 will be paid to complainant at the time of furnishing bail bond and two months thereafter the rest amount of Rs.1,30,000.00 will be paid to the complainant by the petitioner.

6. Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of



the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-VI, Danapur, Patna in connection with Complaint Case No. 468 (C) of 2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. If the petitioner fails to abide by his undertaking as given in paragraph-5 of this order, the complainant would be at liberty to move before the learned Court below for cancellation of bail bond of the petitioner.

(Anjani Kumar Sharan, J)

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