

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16677 of 2022

Arising Out of PS. Case No.-226 Year-2019 Thana- SALAKHUA District- Saharsa

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MANISH KUMAR Son of Ashok Yadav Resident of Village - Sahuria, P.S.-
Salkhua (Banma Ithari O.P.), Distt.- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shiva Shankar Sharma, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-08-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner, learned counsel for the informant and learned APP for the State.

Petitioner seeks bail in a case registered for the offence punishable under Sections 406,420,504,506,34 of IPC later on Section 138 of N.I.Act and Section 27 of Arms Act were added.

As per prosecution case, petitioner agreed to sell a piece of land to the informant for a consideration amount of Rs.10.10 lac and for that an agreement was made and thereafter sale deed was executed but informant came to know that the land has already been sold to some others by his father and co-



accused Sanjay Kumar is witness to the sale deed.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. He further submits that in fact the petitioner is neither the executor nor the witness of the agreement of sale in question. He further submits that in fact all the cheques were in favour of the Maheshwar Sah issued by the father of the petitioner namely Ashok Yadav so there is no case under Section 138 of the N.I. Act made out against the petitioner. Further submits that in fact the father of the petitioner, namely, Ashok Yadav has been granted bail by the learned court below itself and the petitioner is in custody since 27.08.2021.

Learned counsel for the informant and learned A.P.P. for the State have vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Salkhua (Banma Ithari O.P.) P.S. Case No.226 of 2019, with the following



conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

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.

(Rajesh Kumar Verma, J)

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