

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28279 of 2022

Arising Out of PS. Case No.-1058 Year-2018 Thana- NALANDA COMPLAINT CASE
District- Nalanda

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AMIT KUMAR S/o Late Ramji Prasad Resident of Village- Ugawa, P.S.-
Asthawan, District- Nalanda. At present Resident of Mohalla- Bhgaravpar,
P.S.- Lehari, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Alka Raj @ Beauty Kumari D/o Shyam Kishore Singh, W/o Late Vikas Singh Resident of New Pokhar, P.s.- Rajgir, District- Nalanda, At present Resident of Village- Vijavanpar, P.S.- Dipnagar, District- Nalanda.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hansraj, Advocate
For the Opposite Party/s : Mrs. Anita Kumari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 3 14-12-2022 Heard learned counsel for the petitioner and learned

counsel for the informant as well as learned Additional Public

Prosecutor for the State.

Let the defects, as pointed out by the office, be

removed within a period of four weeks from today.

The petitioner apprehends his arrest in a case

registered for the offences punishable under Section 341, 323,

406, 420 and 509 of the Indian Penal Code.

According to prosecution case, in brief, is that

complainant Alka Raj @ Beauty Kumar filed a complaint Case

No. 1058C/2018 and she mentioned that her husband Vikash



Kumar Singh died on 23.03.2012. She had received 1/3 share from her Sasurali property as per the order of the Hon'ble High Court, Patna, thereafter, an registered agreement has been executed in between the complainant and accused persons for sell of land for total consideration amount of Rs.61 lacs whereupon at the time of agreement the accused persons including the petitioner accused assure the complainant Alka Raj @ Beauty Kumari to pay full consideration amount before execution of sale deed and complainant on their promise executed registered sale deed in the name of accused persons but at the time of execution the accused persons did not pay full consideration amount but on assurance by the accused persons she has executed registered Sale Deed of eight kattha land but the accused persons did not pay the full consideration amount and thereafter started daily-delaying and when the complainant put pressure for several time then they started threatening her and lastly she has filed a complaint petition.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that after the agreement in question executed between the parties, the complainant has not been cheated and no amount has been



misappropriated by the petitioner. He further submits that Title Suit No. 203 of 2013 is pending against the complainant and this is the case of civil nature. He further submits that petitioner and complainant has filed a joint compromise petition in the Court of learned Additional Chief Judicial Magistrate-7, Biharsharif at Nalanda on 13.02.2022.

The learned counsel for the informant and learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and submits that the petitioner has cheated the complainant.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of his arrest or surrender within a period of four weeks, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Complaint Case No. 1058(C)/2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also 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 absence on two consecutive dates without sufficient reason, his 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.

3. 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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