

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44354 of 2021

Arising Out of PS. Case No.-65 Year-2019 Thana- PARASBIGHA District- Jehanabad

Vijay Kumar @ Vijay Yadav @ Vijay Kumar Singh Son of Kailash Yadav
Resident of Village - Nauru Tola, Kothia, P.S.- Parasbigha, Distt.- Jhanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Kumar Singh, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 16-06-2022 Heard Mr. Ram Kumar Sinha, learned counsel for the

petitioner and Mr. Ashok Kumar Singh, learned Additional

Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

The petitioner apprehends his arrest in connection
with Parasbigha P. S. Case No. 65 of 2019 registered for the
offences punishable under Sections 419, 420, 506 read with
Section 34 of the Indian Penal Code.

As per the prosecution case, it is alleged that on
28.03.2017 all the accused persons including this petitioner have
taken Rs. 3,80,400/- on the pretext of execution a sale deed in
favour of the informant but the co-accused persons did not



execute the same as the agreed land does not belong to them. It is also alleged that this petitioner is taken Rs. 60,000/-.

At the outset, learned counsel for the petitioner submits at the bar, on the instruction of his client, that as per his information till date the process under Sections 82/83 of the Cr.P.C. have not been issued.

Learned counsel appearing on behalf of the petitioner submits that from the averments and the materials brought on record, it is evident that this petitioner neither executed an agreement to sale nor he received any amount and moreover the cheque, which is said to have bounced, was issued by co-accused Dharmendra Kumar. In support of his contention a supplementary affidavit has been filed bringing on record the agreement to sale and acknowledgment of receipt of money given by co-accused Dharmendra Kumar. It is further submitted that during the course of investigation, the petitioner has given benefit of Section 41-A of Cr. P. C. However, later on, the Police has filed charge-sheet against all the three co-accused including this petitioner. It is also submitted that since the half of the portion of land, in question, belongs to this petitioner, therefore, he has been made accused only in order to pressurize the petitioner. Further, this petitioner has no criminal antecedent.



On the other hand, learned Additional Public Prosecutor for the State opposes the bail application and submits that there is specific allegation against this petitioner that he has taken Rs. 60,000/- from the informant.

Having considered the submissions made on behalf of the parties and taking into account the nature of allegation in as much as the materials available on record, which shows that the alleged money has been received by co-accused Dharmendra Kumar and he has not issued the cheque, apart from the fair antecedent of the petitioner, let the petitioner, above named, be released on bail, in the event of his arrest or surrender before the Court below within a period of eight weeks from today, on furnishing bail bonds of Rs. 10,000/ (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jehanabad in connection with Parasbigha P. S. Case No. 65 of 2019, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure with following conditions:-

- (i) One of the bailors should be the close relative of the petitioner.
- (ii) The petitioner will co-operate in the investigation as well as in conclusion of the trial.



(iii) He will not try to tamper with the evidence or
intimidate the witnesses in course of
investigation or during the course of trial.

(Harish Kumar, J)

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