

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35590 of 2022

Arising Out of PS. Case No.-327 Year-2011 Thana- VAISALI COMPLAINT CASE District-
Vaishali

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SUBODH KUMAR Son of Late Baldev Mishra Resident of Village - Rampur
Dilawarpur, P.S.- Rajapakar, District - Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Rajendra Ray Son of Late Sakal Ray Resident of Village - Bakhri Brahi,
P.O.- Bakhri Supayan, P.S.- Rajapakar, District - Vaishali

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Santosh Kumar,Advocate

For the Opposite Party/s : Mr.Ramchandra Sahni,APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 20-09-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is in judicial custody in connection
with the Complaint Case No. 327 of 2011 for the offences under
Sections 406 and 420 of the Indian Penal Code and 138 of N.I.
Act.

As per the prosecution story, the petitioner had taken
Rs. 3 lakhs as an advance for transfer of a land but he never
fulfilled the said promise and thereafter issued a cheque which
was dishonored and accordingly after exhausting all the



avenues, the informant lodged this complaint.

Learned counsel for the petitioner submits that without accepting the allegation made therein, he is ready to settle the matter by paying a sum of Rs. 3 lakhs by demand draft issued by the State Bank Of India, Local branch in favour of the informant.

So far as the merit of the case is concerned, the petitioner has denied the same and alleged that he has been made a scapegoat in the matter.

Considering the aforesaid stand taken by the learned counsel for the petitioner, this Court is inclined to grant him privilege of bail subject to payment of Rs. 3 lakhs through demand draft issued by the State Bank of India, Local Branch in favour of the informant at the time of his release. The Trial Court shall verify the identity of the informant through Government documents (Aadhar Card, Voter I.D. etc).

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned ACJM-IXth, Vaishali at Hajipur in connection with Complaint Case No. 327 of 2011, subject to the following conditions:-

- (i) one of the bailor should be the family member of



the petitioner, who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Jagdish/Neha-

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