

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39867 of 2022

Arising Out of PS. Case No.-1151 Year-2020 Thana- PURNIA COMPLAINT CASE District-
Purnia

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RABINDRA KUMAR @ SURAJ YADAV Son of Ganesh Yadav Resident
of Village - Madhopara Bishahri Asthan, P.S.- K. Hat Sahayak, District -
Purnea

... .. Petitioner/s

Versus

1. The State of Bihar
2. Surendra Singh Son of Late Shiv Shankar Singh Resident of Village -
Madhopara Azad Nagar, P.S.- K. Hat (Sahayak), District - Purnea

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar, Advocate
For the Opposite Party/s : Mr.Ajay Kumar Jha,APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-11-2022 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 and learned

Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case

registered for the offences punishable under Section 420 of IPC

and 138 N.I.Act.

Allegation against the petitioner is that he entered into

an agreement with the complainant to execute a land and for

that has taken advance of Rs.12,00,000/- from the complainant



but he did not execute the sale deed in favour of the informant and has cheated Rs.12,00,000/-. Further allegation is that, as per Panches, he had agreed to return the aforesaid money and in lieu of that this petitioner gave a cheque of Rs.3,00,000/- of the IDBI Bank and same has been dishonoured.

Learned counsel for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. Further submits that the petitioner is ready to pay Rs.12,00,000/- to the informant/complainant in four equal installments. Further submits that he will pay Rs.3,00,000/- by way of demand draft in favour of the informant/complainant at the time of furnishing bail bond and rest of Rs.9,00,000/-he will pay in three equal installments also by way of demand draft in favour of the informant/complainant within a period of three months.

Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioner.

Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond



of Rs.25,000 (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Complaint Case No. 1151 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(1)The petitioner shall pay Rs.3,00,000/- by way of demand draft in favour of the complainant at the time of furnishing bail bond and rest of Rs.9,00,000/- he will pay in three equal installments also by way of demand draft in favour of the complainant within a period of three months.

(2) If the petitioner will fail to pay the remaining amount Rs.9,00,000/-in three equal installments by way of demand draft in favour of the complainant within a period of three months, the bail bond of the petitioner shall be automatically cancelled by the learned court below itself.

(3) 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.

(4) 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.

(5) 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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