

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42539 of 2022

Arising Out of PS. Case No.-1003 Year-2021 Thana- NAGAR District- Vaishali

Sunny Deol S/O Mukund Nath Sah, Resident of village- Pro Colony Ward
No.- 26 Yusufpur, P.S.- Nagar Hajipur District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ghanshyam Tiwary, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 08-12-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Hajipur (Town) P.S. Case No. 1003 of 2021 lodged under
Sections 406/420/34 of the I.P.C.

As per prosecution case, the informant has
categorically stated that for the purpose of purchase of land, he
has given total 50 lacs rupees to the accused persons but they
have refused either to execute the land in his favour or to refund
the money, due to this reason present case has been filed.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He also

submits that antecedent of the petitioner is clean, he is in custody since 25.04.2022 and charge-sheet has already been filed in this case.

Learned counsel for the informant submits that there are in total six cases have been filed against the two persons who are father and son. The present petitioner has received 5 lacs in cash and 5 lacs through bank draft.

During argument learned counsel for the petitioner submits that he has talked with his client, who is ready to refund 10 lacs rupees but in installment, he is ready to pay 5 lacs through D.D. at the time of bail and rest 5 lacs he shall pay in three equal installments.

Learned counsel for the informant agreed on this.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted **Provisional bail** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Vaishali (Hajipur) in connection with Hajipur P.S. Case No. 1003 of 2021, subject to the conditions as laid down under Section

437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file an affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

Petitioner's provision bail shall be accepted subject to receiving of D.D. of rupees 5 lacs by the informant in the Court and the said bail bond shall be confirmed upon providing proof of receiving of further rupees 5 lacs in three installments to the informant by the petitioner before the Court.

The Trial Court is directed to confirm the bail of the petitioner maximum within 90 days upon showing the receiving of payment, if not the provision bail granted to the petitioner

shall be cancelled.

(Dr. Anshuman, J.)

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