

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53261 of 2021

Arising Out of PS. Case No.-89 Year-2011 Thana- KHAJAU LI District- Madhubani

Shambhu Kumar Singh Son of Late Lakshmi Singh Resident of Village - Krishna Inlen near C.R.P.F. Camp Building No.J/27, Jaroda Kala, New Delhi, Permanent resident of Village - Sarave Tola Mangati, P.S.- Khajauli, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Runa, Advocate.
For the Opposite Party/s : Mr. Anil Prasad Singh, APP.
For the Informant : Mr. Gagan Deo Yadav, Advocate.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

5 14-07-2022 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.

Heard Ms. Runa, learned counsel for the petitioner, Mr. Gagan Deo Yadav, learned counsel for the informant and learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the



bar in connection with Khajauli P. S. Case No. 89 of 2011 registered for the offences punishable under Sections 406, 420, 323, 504, 120 (B) read with 34 of the Indian Penal Code.

The F.I.R. has been instituted on the basis of a written report and it appears that the matter relates to sale-purchase of land and predominantly civil in nature. It is also alleged that the informant had paid Rs. 3,70,000/- to the petitioner, who executed a piece of land in his favour, however, when he submitted the document before the Circle Officer for mutation, it was informed that the petitioner had already sold the land earlier and in this way, the informant has been cheated at the hands of the petitioner.

Learned counsel appearing on behalf of the petitioner submitted that prima facie from the tenor of the F.I.R. the present case predominantly appears to be civil in nature and moreover, this petitioner is in custody since 27.03.2021 and other co-accused persons have also been granted bail by different co-ordinate Benches of this Hon'ble Court. It is also submitted that the petitioner is now ready to return the amount of Rs. 3,70,000/- , which is allegedly paid by the informant.

On the other hand, learned counsel for the informant fairly submitted that if the same would be returned,



he would have no objection in granting bail to the petitioner.

Learned APP for the State opposes the bail application.

Having considered the submissions made on behalf of the parties and taking into account the undertaking given by the petitioner that he is ready and willing to return the aforesaid amount, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate- 1st Madhubani in connection with Khajauli P. S. Case No. 89 of 2011, it is expected that the petitioner will honour his undertaking given before this court and pay the amount of Rs. 3,70,000/-, in two instalments within three months, failing which the counsel for the informant would be at liberty to file an application for cancellation of his bail before the learned court below and learned court below will pass appropriate order in accordance with law and subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of



trial till disposal of the case.

- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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