

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44185 of 2022**

Arising Out of PS. Case No.-3 Year-2022 Thana- INDUSTRIAL District- Bhagalpur

Kamaldev Yadav @ Karu Yadav Son Of Late Mahabir Yadav R/O Village-
Purani Dyorhi, P.S.- Barari, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 16-11-2022 Heard learned counsel for the petitioner and learned
counsel for the Informant as well as learned Additional Public
Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Section 420, 406/34
of the Indian Penal Code.

According to prosecution case, on the basis of written
report of the informant namely, Rajesh Thakur @ Rajesh Kumar
Thakur in short is that an agreement dated 20.03.2018 was
executed amongst informant and petitioner which was bound to
execute sale deed in 3 months after accepting sale consideration
for 1440 sq. fit land out of his total land as detailed in F.I.R.



Informant no.2 Ramesh Kumar also made similar allegation for 720 Sq. fit. On 28.02.2019, petitioner along with his three sons came on land and started cleaning. On asking, accused entered into heated arguments and, on being quizzed, it came to knowledge that accused has got mutated his name on the said land in October 2020 itself and has later on got mutated the names of three sons on the said land. The F.I.R. named person had dishonestly cheated him by usurping the advance money and then to avoid agreement and got mutated the name of their sons on the land in question causing physical, mental and financial harassment and loss to him.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that without going into the merit of the case, the petitioner is ready to pay Rs.4 lacs to the informant.

The learned counsel for the informant has no objection to receive the Rs.4 lacs but the same is subject to the outcome of the case.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of his arrest or surrender within a period of eight weeks, be released on



anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Industrial Area P.S. Case No. 03 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. along with other following conditions:-

1. Petitioner would furnish a bank draft of Rs.4 lacs in favour of the informant and deposit the same in his account at the time of furnishing of bail bonds.

2. 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

3. 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.

4. 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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