

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52423 of 2022

Arising Out of PS. Case No.-254 Year-2021 Thana- CIVIL LINE District- Gaya

Sarvesh Kumar @ Vicky Son of Animesh Kumar Resident of Village - Vishnu Vihar, P.S.- Muffasil, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priya Ranjan, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 20-10-2022 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 as well as learned counsel for the informant.

The petitioner seeks regular bail in connection with Civil Lines P.S. Case No. 254 of 2021, lodged under Sections 406, 409, 467, 468, 471, 419, 420, 385, 34 of the Indian Penal Code.

As per prosecution case, the petitioner is involved in selling of a land to the informant's relative, but subsequently it has been found that the person who were the vendor, are not alleged to be genuine, it is due to this reason the informant has filed this case against the petitioner and other accused persons.

Learned counsel for the petitioner submits that from the entire F.I.R. the only allegation against this petitioner is to

receive Rs.1.5 lacs only and he is ready to return the said amount to the informant. It is made clear that this payment is without prejudice to the merit of the case. Learned counsel for the petitioner further submits that petitioner shall pay D.D. of Rs.50,000/- in the name of informant prior to provisional bail and rest amount of Rs.1 lac shall pay within month through D.D. in the name of informant.

Learned counsel for the informant appeared and submits that he is agree for the same, but still he has apprehension that petitioner may commit fraud with court of law.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be released on **provisional bail** depositing proof before the Court that he has paid D.D. of Rs.50,000/- in the name of informant on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Civil Lines P.S. Case No. 254 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 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.

The provisional bail granted to the petitioner shall be confirmed after payment of D.D. of Rs.1 lac in the name of petitioner. This payment shall be completed within 45 days from the date of his release otherwise the Court is directed to cancel the bail bond thereafter.

With this observation, the bail application stands disposed off.

(Dr. Anshuman, J.)

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