

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70484 of 2021

Arising Out of PS. Case No.-5 Year-2020 Thana- JAKKANPUR District- Patna

RAJ KUMAR GUPTA S/o Sri Ramawatar Sao @ Ramawatar Gupta Resident
of Mohalla - Bairagi, Near Bagicha, P.O.- R.S. Gaya, P.S. - Delha, District -
Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dilip Kumar,Adv
For the Opposite Party/s : Mr.Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-04-2022 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, learned
counsel for the informant and learned APP for the State in
virtual Court proceeding.

Petitioner seeks bail in a case registered for the
offence punishable under Sections 420,406 of the IPC.

The occurrence of abuse and assault took place due to
non-performance of an agreement to sale between the parties.

Learned counsel appearing for the petitioner submits
that the petitioner has falsely been implicated in the present
case. He further submits that the allegation as alleged in the FIR



is the civil nature. He further submits that the FIR has been instituted only due to non-performance of the agreement to sale between the parties and the similarly situate co-accused, namely, Raghvendra Prasad has been granted bail vide order dated 06.04.2021 in Cr. Misc. No.5089 of 2021 and another co-accused, namely, Sanjay Kumar Gupta has also been granted bail vide order at Annexure-6 by different Coordinate Benches of this Hon'ble Court and the petitioner is in custody since 13.06.2020.

Learned counsel for the informant and learned A.P.P. for the State have vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Jakkanpur P.S. Case No. 05 of 2020, with the following conditions:-

(1) 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.

(2) 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.

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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