

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50 of 2022

Arising Out of PS. Case No.-361 Year-2021 Thana- JAMUI District- Jamui

Rupesh Kumar Singh @ Rupesh Kumar Son Of Vinay Kumar @ Vinay Prasad Singh Resident Of Village - Sirchanda, Nawada, Ward No.08, P.S.- And Distt.- Jamui.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Nikunj Shekhar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-05-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within two weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Jamui P.S. Case No. 361 of 2021 registered for the offences punishable under Sections 420, 341, 323, 504, 506 of the Indian Penal Code. The petitioner is in custody since 16.09.2021 and has no criminal antecedents.

Learned counsel for the petitioner submits that as per the prosecution story, the informant wanted to purchase two decimal land at Jamui for which he contacted this petitioner who was dealing in property in the area. It is alleged that this petitioner took the informant and his wife to show the land and thereafter he also



facilitated perusal of the papers of the land and the price was fixed at Rs.4,70,000/-. The petitioner had introduced the informant two persons, namely, Bablu Singh and Dablu Singh and told that the land belong to these two. It is further alleged that the petitioner received an advance amount of Rs.51,000/- and told the informant that on deposit of the entire amount of Rs.4,70,000/- he will arrange for the registry of the land. The informant alleges that he deposited the entire amount of Rs.4,70,000/- with the petitioner but thereafter the registry of the land was not done and the petitioner has not returned the money despite the fact that he had sworn an affidavit to the effect that he would return the entire amount.

Learned counsel for the petitioner submits that at this stage, the petitioner is ready to deposit the entire amount of Rs.4,70,000/- in the learned court below without prejudice to his rights and contentions and subject to result of the criminal case. In course of argument, learned counsel for the petitioner does not dispute that this petitioner is a property dealer and he had received the entire amount of Rs.4,70,000/- from the informant. The only contention of the petitioner is that he had delivered the amount to the owner of the land namely Bablu Singh and Dablu Singh.

Learned APP for the State is present and has opposed the prayer for bail of the petitioner. It is submitted that the petitioner admits to have received the amount from the informant.

Having regard to the submissions noted hereinabove and



the materials placed before this Court and taking note of the offer made by the petitioner to deposit Rs.4,70,000/-, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned C.J.M., Jamui in connection with Jamui P.S. Case No. 361 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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 steps 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.

And further subject to the condition that within one month from the date of release of the petitioner from jail, he shall make available a sum of Rs.4,70,000/- by way of demand draft to the informant and the informant shall receive the same. Although the petitioner has offered to deposit the said amount in the court but this Court thinks it just and proper that the said amount be handed over to the informant of the case keeping in view that the petitioner does not dispute the receipt of the said amount subject, however, to the rights and contentions of the petitioner and without prejudice to his case in the learned court below.



In case the amount is not made available to the informant, the informant may file an application before this Court seeking cancellation of bail of the petitioner.

It is, however, expected that after receipt of the amount, the informant shall co-operate with the petitioner in closing the case amicably as early as possible.

The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading ‘Judicial Orders Passed During The Pandemic Period’.

