

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15751 of 2023

Arising Out of PS. Case No.-270 Year-2017 Thana- BARH District- Patna

Arvind Kumar Son Of Late Ramchandra Prasad Resident Of Village -
Chakjalal, P.S. - Bhadaur, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prem Kumar

For the Opposite Party/s : Mr.Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
07.01.2023 in connection with Barh P.S. Case No. 270 of 2017,
F.I.R. dated 19.09.2017 for the offences punishable under
Sections 420, 406, 120(B), 34 of the Indian Penal Code and later
on Section 465, 467 of the Indian Penal Code were added.

According to prosecution case, in brief, is that one
Kanchan Devi has given a written informant alleging therein
that her father-in-law had purchased two plots total area 102
decimal who died on 27.05.2006 living behind only son who is
the husband of the informant. It is further alleged that his
husband also died due to illness on 07.11.2006. It is alleged that
her father-in-law has six brothers namely, Nawal Kishore
Prasad, Arvind Kumar (petitioner), Pramod Kumar, Mithlesh



Kumar and Anjani Kumar @ Binod Kumar. It is further alleged that after the death of her father-in-law she was in possession over the land in question but in her absent brother of her father-in-law namely Anjani Kumar @ Binod Kumar on 17.05.2017 sold the land to one Savitry Devi of her will on a very low price in which the petitioner who is also brother of her father-in-law is a witness.

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 the allegation as alleged in the F.I.R. is false and fabricated and it appears from the F.I.R. itself that the petitioner is not the beneficiary and in fact the petitioner has signed on the documents in question on the request of his brother namely, Anjani Kumar @ Binod Kumar who is father-in-law of the informant and petitioner has no concern at all with the document in question. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 07.01.2023.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, 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 the learned A.C.J.M. Barh in connection with Barh P.S. Case No. 270 of 2017, subject to 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 absence on two consecutive dates without sufficient reason, his 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.

3. 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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