

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17127 of 2023

Arising Out of PS. Case No.-220 Year-2022 Thana- MALSALAMI District- Patna

RAKESH KUMAR SRIVASTAVA Son of Late Rajeshwar Prasad Resident of
Bhaisani Tola, Nakhash (Mansoorganj), P.S.- Malsalami, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Kumar, Adv.

For the Opposite Party/s : Mr. Nawal Kishore Prasad, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 26-06-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State assisted by learned counsel for the informant.

Learned counsel for the informant has filed a counter
affidavit in the present case in the Court.

Let it be kept on record.

The petitioner apprehend his arrest in a case
registered for the offences punishable under Sections 406, 420,
504, 506/34 of the Indian Penal Code.

As per prosecution case, allegation against the
petitioner is that he did not execute sale deed in favour the
informant and did not refund his money back.

Learned counsel for the petitioner submits that the
petitioner is innocent and have falsely been implicated in this
case. The allegations levelled against the petitioner is not specific
rather general and omnibus in nature. The injury sustained by the



victims are simple in nature. He submits that the informant has alleged that the petitioner has told him to purchase a land situated at Exhibition Road, but the informant has neither stated description and measurement/area of the land in the FIR. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State as well as learned counsel for the informant opposed prayer for anticipatory bail and submitted that process of Section 82 of the Cr.P.C., has been issued against the petitioner.

Considering the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Malsalami P.S. Case No. 220 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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