

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25296 of 2023

Arising Out of PS. Case No.-42 Year-2022 Thana- PARAIYA District- Gaya

Niraj Kumar @ Neeraj Kumar Son Of Late Sukhdeo Singh Resident Of
Village- Mobarakpur, Ps- Paraiya, Distt- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravindra Kumar, Advocate
For the Opposite Party/s	:	Mr. Pranav Kumar, APP
For the Informant	:	Mr. Murad Ashraf, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-05-2023 Heard learned counsel for the petitioner, learned
counsel appearing on behalf of the informant as well as learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
10.12.2022 in connection with Paraiya P.S. Case No. 42 of
2022, F.I.R. dated 14.02.2022 for the offences punishable under
Sections 420, 406/34 of the Indian Penal Code.

According to prosecution case, the petitioner has
deceived the informant to give him more than 85 lakh rupees on
the pretext of selling 5 bighas of land to him but he did not
register the said land in favour of the informant later on.



Learned counsel for the petitioner submits that petitioner 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 the petitioner has no knowledge about the bank transaction and the informant has suo-motu sent the money to the bank account of the petitioner and the petitioner is ready to return the amount which was deposited in his bank account by the informant as well as Rs. 1,00,000/- as per agreement of the sale. He out rightly submits that the petitioner is ready to return the amount of Rs. 21,51,000/- to the informant at the time of furnishing the bail bond by way of demand draft. The petitioner is in custody since 10.12.2022.

The learned counsel appearing on behalf of the informant as well as submits that apart from that the petitioner has also received amount in cash totaling to Rs. 85,45,000/- including Rs. 21,51,000/-.

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 Judicial Magistrate, 1st Class, Gaya in connection with Paraiya P.S. Case No. 42 of 2022, subject to the following conditions:-



1. Petitioner shall deposit Rs. 21,51,000/- by way of demand draft in favour of the informant at the time of furnishing the bail bond and the same shall be handed over to the informant.

2. 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.

3. 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.

4. 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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