

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34326 of 2023

Arising Out of PS. Case No.-1058 Year-2018 Thana- GAYA COMPLAINT CASE District-
Gaya

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RAJESH KUMAR Son of Rameshi Yadav Resident of Nayanbigha, P.S.-
Sherghati, Dist.-Gaya (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar
2. GEETA DEVI D/o Late Sitaram Singh Vill.-Parariya, P.S.-Belaganj, Dist.-
Gaya, At Present W/o Sanjay Kumar Vill.-Lodipur, P.S.-Muffassil, Dist.-
Gaya, Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anmol Kumar, Adv.
For the Opposite Party/s : Mr.Shyam Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 25-07-2023 Heard learned counsel for the parties.

2. The petitioner apprehends his arrest in a case registered for
the offence punishable u/s 420, 467, 468, 471, 406/34 of the IPC
and 138 of N.I. Act.

3. Allegedly, the petitioner entered into an agreement of sale
of a land with the complainant for Rs.5 Lakh and Rs.4,60,000/-
was given in advance by the complainant. Rest money was paid
and after registry and mutation of the land, the complainant took
the possession. Thereafter, when the complainant started
construction of her house, then one Ramswaroop Yadav objected.
The complainant called the petitioner for confirmation, then he
gave five cheques, which got bounced.

4. It is submitted by learned counsel for the petitioner that



petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. The specific allegation is against the co-accused namely Sarvesh Kumar @ Vicky Kumar, who has confessed his guilt and agreed to return the said amount to the complainant and has been granted provisional bail by the learned Court below (Annexure-2 of the bail application). Petitioner has no criminal antecedent.

5. Learned APP for the State opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his 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 Complaint Case No.1058/2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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