

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30101 of 2023

Arising Out of PS. Case No.-98 Year-2022 Thana- BUNIYAD GANJ District- Gaya

Shambhu Singh S/O Sukesh Singh Resident of village- Gangti Tola, Alipur,
P.S. Buniyadganj, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Satya Veer, Advocate
For the Opposite Party/s	:	Mr. Abhay Kumar Roy, APP
For the Informant	:	Mr. Prithviraj Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 10-10-2023 Heard Mr. Satya Veer, learned counsel for the petitioner, Mr. Prithviraj Singh, learned counsel appearing on behalf of the informant as well as Mr. Abhay Kumar Roy, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Buniyadganj P.S. Case No. 98 of 2022, F.I.R. dated 06.04.2022 for the offences punishable under Sections 406, 420 and 34 of the Indian Penal Code.

3. According to prosecution case, this petitioner along with other accused person took consideration money from the informant but did not executed the sale deed in favour of the informant.

4. Learned counsel for the petitioner submits that



petitioner is innocent 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 the petitioner has not committed any offence as alleged in the F.I.R. He further submits that on instruction, the petitioner is ready to pay the due amount as stated in the F.I.R and the petitioner has already paid Rs. 1 lakh to the informant and the he is ready to pay the rest amount of Rs. 8 lakh in four equal installment and for this reason the petitioner has also filed supplementary affidavit which is on the record.

5. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have no objection in this regard.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 Chief Judicial Magistrate, Gaya in connection with Buniyadganj P.S. Case No. 98 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and



with other following conditions:-

i. Petitioner shall deposit Rs. 2 lakh by way of demand draft in favour of the informant at the time of furnishing the bail bond and the learned Court below is directed to hand over the said demand draft to the informant or his representative and the rest amount of Rs. 6 lakh shall be given to the informant in 3 equal installment of Rs. 2 lakh each for three months starting from November, 2023 and if the petitioner fails to deposit the rest due amount of Rs. 6 lakh, the informant is at liberty to move before the appropriate forum for cancellation of his bail bond.

ii. 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.

iii. 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.

iv. 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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