

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33085 of 2023

Arising Out of PS. Case No.-1151 Year-2018 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Vijay Prasad Son of Late Ram Chandra Bhagat Resident Of Village
-JHITKAHIYA, Ps- Rajepur, Distt- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Uday Chandra Kumar Son of Lal Babu Prasad Resident Of Village-
Jhitkahiya, Ps- Rajepur, Distt- East Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Md. Shakir Ahmad, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-06-2023 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

The petitioner seeks bail in connection with

Complaint Case No. 1151 of 2018 where cognizance was taken

under Sections 406 and 420 of the Indian Penal Code by learned

Judicial Magistrate.

The accused/petitioner is in custody since 25.03.2023.

The allegation against the petitioner is to receive an

advance money of Rs. 1,63,000/- (Rupees One Lac Sixty-three

Thousand Only) against total consideration of Rs. 4,30,000/-

(Rupees Four Lac Thirty Thousand only) as per complaint

petition against a piece of land which alleged to be in process of



sell to complainant, but same was not executed upon finally.

Learned counsel appearing on behalf of the petitioner submitted that just to grab the land in issue of petitioner the present false case lodged by complainant, where entire fact as raised through complaint petition is appearing formulated to create a pressure. It is also submitted that petitioner is not even the signatory of alleged *Panchanama* which is the basis of present implication. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, amount as alleged to be paid as advance money i.e., Rs. 1,63,000/- (Rupees One Lac Sixty-three Thousand only) is without any documentary evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as petitioner is not appearing the signatory of *Panchanama* which is the basis of present implication where amount as alleged to be received as advanced money is not appearing documented/instrumented coupled with the fact that charge-sheet has been submitted, where petitioner is in custody since 25.03.2023, accordingly, the petitioner, above named, is directed to be released on bail in connection with Complaint Case No. 1151 of 2018 on furnishing bail bond of Rs.10,000/-



(Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, East Champaran, Motihari/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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