

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41207 of 2022

Arising Out of PS. Case No.-69 Year-2020 Thana- KHAGAUL District- Patna

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1. Pankaj Kumar @ Vijay Singh, Son Of Shri Chandrahas Prasad Singh Resident Of Village - Lakhani Bigha, P.S.- Danapur, Distt.- Patna And Permanent Resident Of Nauratanpur, P.S.- Khagaul, Distt.- Patna
 2. Vikash Kumar Singh, Son Of Shri Chandrahas Prasad Singh Resident Of Village - Lakhani Bigha, P.S.- Danapur, Distt.- Patna And Permanent Resident Of Nauratanpur, P.S.- Khagaul, Distt.- Patna

... .. Petitioner/S

Versus

1. The State Of Bihar
2. Rajendra Prasad, S/o Late Paras Prasad, Resident of Bari Khagaul, P.S. +P.O. Khagaul, District- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Deepak Kumar
For the Opposite Party/s :	Mr. Abhay Kumar
	Mr. Rabi Bhushan Prasad No.1
	Mr. Vijay Prakash Bhargava

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

8 01-08-2023 1. Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 406, 420, 468, 471, 323, 341, 504 and 120(B) of the Indian Penal Code.

3. The learned counsel for the petitioners on instruction submits that petitioners are willing to return the amount of Rs.6,36,000/- to the informant as it has been alleged in the F.I.R. that an agreement for sale was entered in between



informant and Pankaj Kumar along with Bindu Devi for an amount Rs.11,11,000/-, out of which, an amount of Rs.6,36,000/- was received by the petitioners, but the sale deed was not executed.

4. The learned counsel for the petitioners submits that since his wife is seriously ill, as such, presently they are not in a position to return the amount in one go, but definitely will return the entire amount by 15.12.2023.

5. The learned counsel for the informant as such does not oppose the anticipatory bail of the petitioner based on the submission of the learned counsel for the petitioners and submits that in the event, if the amount as agreed is returned by 15.12.2023, the informant shall withdraw the present case. The learned counsel for the informant submits that he will whatsapp the bank account number of the informant on the whatsapp number of the learned counsel for the petitioners and the learned counsel for the petitioners undertakes to forward the bank account number of the informant to the petitioners, so that the amount as agreed starts getting credited in the said account.

6. Learned A.P.P. opposes the bail application.

7. Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the



event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on **provisional bail** on their furnishing bail-bonds in the sum of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-V, Danapur, Patna in connection with Khagaul P. S. Case No.69 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

8. The application stands allowed.

9. However, it is made clear that in the event, if the amount as agreed is not credited in the account of the informant within the time aforesaid i.e. 15.12.2023, the learned trial Court shall be at liberty to cancel the bail bonds of the petitioners after recording reasons and in the event, the amount as agreed is credited in the Bank account of the informant by 15.12.2023, the learned trial Court shall confirm the provisional bail on the same terms and conditions.

(Satyavrat Verma, J)

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