

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.45733 of 2022**

Arising Out of PS. Case No.-1264 Year-2017 Thana- PATNA COMPLAINT CASE District-  
Patna

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Jitendra Kumar Pal Son of kamta Bhagat Resident of Village - Saguna, Near  
Karim Baba Mazar, Danapur, P.S.- Danapur, District - Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Alok Kumar Son of Satruhan Bhagat Resident of Village - Dumri, P.S.-  
Bihta, District - Patna.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Naresh Chandra Verma, Advocate  
For the Opposite Party/s : Mr. Mohammad Sufyan, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA  
ORAL ORDER**

3      03-02-2023                      Heard learned counsel for the petitioner and learned  
  
counsel appearing on behalf of the complainant as well as  
  
Additional Public Prosecutor for the State in the virtual court  
  
proceeding.

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 in a case registered for the  
offences punishable under Section 420 of the Indian Penal  
Code.

According to prosecution case, the petitioner has



executed an agreement to sale with the Complainant to sell his land with Rs. 40,000/- per kattha and Rs. 4,00,000/- was paid on the date of agreement. Later on, Rs. 4,00,000/- was also paid with a total of Rs. 8,00,000/- but the accused did not execute the sale deed and sold the land with three other persons on 24.01.2017 and when he sent legal notice demanding money, the same was not returned.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that as per allegation alleged in the complaint case, the petitioner has returned total Rs. 3,03,800/- to the complainant out of Rs. 4,00,000/-. He further submits that the complainant has wrongly made allegation of payment of Rs. 4,00,000/- more to the petitioner on 05.05.2017. He further submits that the petitioner did not get the said amount. The petitioner is in custody since 29.06.2020.

The learned counsel appearing on behalf of the complainant and learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, the petitioner has clean antecedent and he is in custody since,



29.06.2020, 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 Court below where the case is pending in connection with Complaint Case No. 1264 (C) of 2017, subject to the following conditions:-

1. 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.

2. 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.

3. 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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