

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45121 of 2023**

Arising Out of PS. Case No.-913 Year-2022 Thana- BUXAR COMPLAINT CASE District-
Buxar

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RANA PRATAP SINGH SON OF LATE BINDESHWARI PRASAD SINGH
RESIDENT OF VILLAGE MAHDAH, PS- BUXAR (M), DIST- BUXAR

... .. Petitioner/s

Versus

1. The State of Bihar
2. RAKESH KUMAR MISHRA SON OF SRI SHYAM NARAIN MISHRA
RESIDENT OF VILLAGE- SONBARSA, PS- BUXAR (INDUSTRIAL),
DIST-BUXAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alka Singh, Advocate
For the Opposite Party/s : Mr. Arun Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-08-2023 Heard the learned Counsel for the petitioners and Mr.

Arun Kumar who represent the State.

The petitioner apprehends his arrest in connection with Complaint Case No. 913 of 2022 for the offence punishable under Sections 406, 420, 467, 468, 471 of the lodged on 05.08.2017 by the complainant Rana Pratap Singh.

As per the prosecution story, the allegation is that the petitioner took Rs. 3,00,000/- in his account while Rs. 51,000/- in cash for the execution of a land but failed to do so also chose not to return the amount.

Learned counsel for the petitioner submits that he was a CDA employee and for the marriage of his daughter, he had



taken Rs. 3,00,000- (and not Rs.51,000 in cash) and after some time had returned the same in cash that the petitioner has lodged the FIR. He however submits that as he is a respected person being an ex-employee of CDA, he would like to return once again Rs. 3,00,000/- through demand draft to the informant.

Learned APP opposes the prayer.

Considering the fact that the petitioner is ready to pay Rs. 3,00,000/- through the demand draft which he will have to submit at the time of execution of bail bond in the name of the complainant, the said draft will be handed over to the petitioner after checking his credential, and he do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

Let the petitioner, in the event of his arrest or surrender within a period of four weeks from the date of the receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Buxar, in connection with Complaint Case No. 913C of 2022, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of



the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

Jagdish/Jyoti/-

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