

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44865 of 2023**

Arising Out of PS. Case No.-831 Year-2021 Thana- PATNA COMPLAINT
CASE District- Patna

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ASHOK KUMAR Son of Raj Balav Rai Resident of village - Deokuli, P.s. -
Bihta, Distt. - Patna

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Shambhu Kumar Son of Kameshwar Ray Resident of village - Tikaitpur,
P.s. - Bihta, Distt. - Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Birendra Kumar
For the Opposite Party/s : Mr.Kumar Veerendra Narayan

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 17-10-2023 Heard Mr. Birendra Kumar, learned counsel for the

petitioner and Mr. Kumar Veerendra Narayan, learned A.P.P. for

the State.

The petitioner apprehends his arrest in connection
with Complaint Case No. 831(C) of 2021 in which cognizance has
been taken under Section 406 of the Indian Penal Code.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case. He further submits that
He further submits that on bare perusal of the complaint petition,
it appears that the petitioner has received Rs. 7,50,000/- from
the complainant against the consideration amount for a piece of



land and the petitioner is refused to execute the land in favour of the complainant nor he is ready to return the amount in question. He further submits that the petitioner has already returned Rs. 1,50,000/- to the complainant. So far as rest amount is concerned, he submits that he has brought a demand draft of Rs. 6,00000/- bearing DD No. 000043 dated 17.10.2023 to be payable in favour of the complainant issued by the HDFC Bank and the same is handed over to the learned counsel for the complainant in the Court.

Learned counsel for the complainant submits that he has received the demand draft of Rs. 6,00000/- as submitted by the learned counsel for the petitioner.

Since the petitioner has returned the amount in question to the complainant, which is the subject matter of the case, the parties shall approach the court below for disposal of the present complaint petition.

Considering the facts and circumstances of the case, let the, above named, petitioner, in the event of his arrest or surrender before the court below within a period of four weeks, 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 learned Chief Judicial Magistrate, Danapur, Patna in connection with Complaint Case No. 831(C) of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as



also with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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