

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52031 of 2022

Arising Out of PS. Case No.-69 Year-2019 Thana- PATNA COMPLAINT CASE District-
Patna

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BIPIN KUMAR SINGH S/o Late Ram Nandan Singh Resident of Road
No.25 B Rajeev Nagar, P.S.- Rajeev Nagar, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ram Rekha Singh S/o Late Ram Rakcha Singh Resident of Rajiv Nagar
Road no.24 Q, P.S.- Rajeev Nagar, District- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Ms. Nivedita Nirvikar, Adv. Mr. Arya Achint, Adv.
For the Opposite Party/s :		Mr. Harendra Prasad, APP
For the Informant	:	Mr. Shivendra Kumar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 17-02-2023 Heard learned counsel for the petitioner, learned

counsel for the informant and learned Additional Public

Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offence punishable under Sections 420 of the Indian Penal
Code, Section 1860 and 138 of N.I. Act, 1881.

According to prosecution case, after entering into a
land agreement, the complainant is said to have paid Rs. 42 lacs
to the petitioner vide cheque no.117208 and 058932 but at the
time of registry, the petitioner refused to register the land in
favour of the complainant. Thereafter the complainant asked the



petitioner to return the said amount. It is alleged that the petitioner paid Rs.6 lacs and 35 lacs by two cheques but the cheques were dishonored.

Learned counsel for the petitioner submits that the petitioner is ready to pay the amount in question to the complainant and learned counsel for the petitioner produced the Demand Draft of Rs. 10 lacs bearing D.D. No. 785511, dated 13.02.2023 of State Bank of India, Patna Main Branch issued in favour of the complainant namely, Ram Rekha Singh and the same is handed over to learned counsel for the complainant.

He further submits that the petitioner is ready to return all the amount in question and he will pay Rs. 5 lacs in every three months by way of Demand Draft to the complainant.

He further submits that if the petitioner is failed to pay the aforesaid rest amount, as mentioned aforesaid, in favour of the complainant within the stipulated period as mentioned above, the learned court below shall have liberty to cancel the bail bond of the petitioner automatically. The petitioner is in custody since 08.06.2022.

The learned counsel for the informant accepts the Demand Draft of Rs. 10 lacs and he also agrees to receive the rest amount as directed by this Court.



The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, 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. 69(c) of 2019, 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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