

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50261 of 2022**

Arising Out of PS. Case No.-498 Year-2021 Thana- BASANTPUR District- Siwan

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BRAJESH KUMAR SINGH @ BIKKY S/o Late Chandra Shekhar Singh R/o
village- Post-Katalpur Babutola, P.S.- Baikunthpur, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surendra Prasad Gupta, Adv.

For the Opposite Party/s : Mr. Anil Kumar, APP

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

8 20-04-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

Petitioner seeks bail, who is in custody since
05.07.2022, in connection with Basantpur (Lakri Nabiganj) P.S.
Case No. 498/2021, F.I.R. dated 13.11.2021, for the offences
punishable under Sections 420, 506 and 34 of the Indian Penal
Code and Section 138 of N.I. Act, 1881.

According to prosecution case, the petitioner along
with other co-accused persons, namely, Subhakar Singh and
Prabhakar Singh gave allurement to the informant to sale the
land and received Rs. 22 lac in their account but agreed piece of
land was not sold to the informant rather the accused persons
got another plot registered in favour of the informant, and thus,



cheated the informant and when the informant demanded the entire amount, the petitioner and other co-accused namely Subhankar Singh returned the amount through two cheques but both the cheques were bounced due to insufficient amount in the bank.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and he has falsely been implicated in the present case. He further submits that the allegation, as alleged in the F.I.R., is false and fabricated. No such occurrence has taken place. He further submits that in fact the petitioner has offered to sale the land in question to the informant and for that purpose the informant has paid Rs. 8 lacs to the petitioner, and thereafter, the petitioner has executed the sale deed in favour of the informant, and thereafter, the informant has given cheque of Rs. 5 lac to the petitioner, which was bounced when presented by the petitioner. Thereafter the present false and fabricated case has been filed by the informant. He further submits that the petitioner has not committed any wrong with the informant. He has already executed two sale deeds in favour of the informant on 28.10.2022. He further submits that in fact the informant has only paid Rs. 8 lacs to the petitioner. He further submits that the police



after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 05.07.2022.

The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that the informant has already paid Rs. 10,70,000/- through RTGS in favour of the petitioner. He further submits that the petitioner carried four criminal antecedent other than the present one but fairly submits that the petitioner is on bail in all the four cases.

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 C.J.M., Siwan, in connection with Basantpur (Lakri Nabiganj) P.S. Case No. 498/2021, 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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