

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53640 of 2023

Arising Out of PS. Case No.-629 Year-2021 Thana- PATLIPUTRA District- Patna

RAKESH MISHRA @ RAKESH KUMAR MISHRA SON OF SRI KRISHNDHAR MISHRA RESIDENT OF VILLAGE- RAJAPURA CHAPA, NEAR RAJ MAHAL, PS- CHAPA, DISTT- JONGIR CHAPA, CHHATTISGARH PRESENTLY RESIDENT OF HOUSE NO. 77, ROAD NO. 0, INDRAPURI, PO - KESHRINAGAR, PS- RAJIV NAGAR, DISTT- PATNA OFFICE AT HOUSE NO. 217, PATLIPUTRA COLONY, NEAR PATLIPUTRA GOLAMBAR, PATNA

... .. Petitioner/s

Versus

1. The State of Bihar
2. DR. ABHAY KUMAR SON OF LATE DR. JANARDAN PRASAD RESIDENT OF VILLAGE- 54, ASHIYANA NAGAR, PHASE 1, PATNA, PRESENTLY RESIDES AT 401, LOTUS APARTMENT, BLOCK B-2, PATLIPUTRA COLONY, PS- PATLIPUTRA, DISTT- PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Rajeev, Advocate
For the Opposite Party/s : Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-08-2023 Heard learned counsel for the petitioner as also the State and the informant.

The petitioner is in custody in connection with Patliputra P.S. Case No. 629 of 2021, G.R. No. 8081 of 2021 for the offence under sections 406 and 420 of the Indian Penal Code lodged on 30.11.2022 by the informant, Dr. Abhay Kumar.

As per the prosecution story, the petitioner informed the informant that Plot no. 116-B at Patliputra Colony, Patna is on sale. The Owner is outside the country and he will be negotiating the matter. Believing his words, altogether Rs. 31,25,000/- was transferred to him in installments but the land



in question was never executed and later, he fled away from his house after locking the same and stopped taking calls. Accordingly, the F.I.R.

Learned counsel for the petitioner submits that he was bonafidely negotiating the matter and at the last moment, the Owner chose not to transfer the land for which he has already suffered by being in custody since 19.04.2022 (as stated in paragraph 9 of the petition).

It is his further submission that Rs. 5,00,000/- has already been returned to the informant and some of the amount (Rs. 14,25,000/-), he transferred to the land owner for which he will be taking steps to get it back and once he recovers it, will be returning the same to the informant.

So far as Rs. 12,00,000/- is concerned, he is ready to pay in following manner:

(i) Rs. 2,00,000/- at the time of execution of bail bond through Demand Draft issued by the local State Bank of India addressed to the informant;

(ii) Rs. 1,00,000/- each per month beginning October 2023 which will come to an end in the month of July, 2024;

(iii) the installment he will be crediting in the account of the informant by 10th of every month beginning October 2023



to July 2024;

(iv) if he fails to credit the amount, the informant shall be free to take steps for the cancellation of his bail bond.

Learned counsel for the informant submits that actually he had credited 31,25,000/- but as the petitioner is ready to pay Rs. 12,00,000/- for the present and he will be taking steps for getting Rs. 14,25,000/- from the owner, he has no opposition, if the petitioner granted bail.

Learned APP opposes the prayer for bail.

Considering the aforesaid facts, his period of custody and the undertaking as given by him, as incorporated above, this Court is inclined to extend him the privilege of bail subject to payment of Rs. 12,00,000/- as undertaken by the learned counsel for the petitioner to be paid by Demand Draft of local State Bank of India to be submitted to the Trial Court.

Let the petitioner be released on bail on furnishing bail bond of Rs. 50,000/- (Fifty thousand) each with two sureties of like amount each to the satisfaction of learned A.C.J.M.-X, Patna, in connection with Patliputra P.S. Case No. 629 of 2021, G.R. No. 8081 of 2021 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show



his/her 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 appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) 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;

(v) 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 bail application is allowed.

(Rajiv Roy, J)

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