

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55104 of 2023

Arising Out of PS. Case No.-906 Year-2022 Thana- CIVIL LINE District- Gaya

Prabha Shankar @ Bantu @ Bantu Singh S/O Late Dhaneshwar Singh R/O
Mohalla- Jai Prakash Nagar, P.S- Civil Lines, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aryan Singh, Advocate

For the Opposite Party/s : Mr.Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 13-12-2023 It appears that despite of Vakalatnama filed on behalf of the opposite party No.2, no one appears on behalf of opposite party No.2.

2. Heard Mr.Aryan Singh, learned counsel for the petitioner and Mr.Surendra Prasad Singh, learned Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in connection with Civil Lines P.S.Case No.906 of 2022, FIR dated 03.12.2022 registered for the offences punishable under Section 406 of IPC.

4. The prosecution case, in short, is that allegedly, on the pretext of sale of land, the petitioner has realised Rs. One Lakh in advance and thereafter co-accused Pankaj Jain



has received Rs. Six Lakhs from the informant, however, the sale deed was not executed in favour of the informant nor money has been returned resulting into institution of the present FIR.

5. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. As per allegation in the FIR, the petitioner has received Rs. One Lac from the informant and he is ready to pay Rs. One Lac to the informant, which the petitioner has taken advance from the informant.

6. Learned APP for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioner and submits that the petitioner carries eight more cases other than the present one but fairly submits that on the basis of the statement made by the counsel for the petitioner that the petitioner is on bail in all the pending matters.

7. Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 Judicial



Magistrate-1st Class, Gaya in connection with Civil Lines P.S.Case No.906 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) At the time of furnishing bail bond, the petitioner shall deposit Rs. One Lac by way of demand draft in favour of the informant, namely, Daymanti Devi and the learned court below is directed to hand over the same to the informant or her representative.

(II) 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 bonds shall be cancelled by the Court below.

(III) If the petitioner tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(IV) 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/her criminal antecedents, 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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