

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.58169 of 2022**

Arising Out of PS. Case No.-782 Year-2019 Thana- AGAMKUAN District- Patna

MR SANTOSH KUMAR Son of Mr Yamuna Prasad Permanent resident of  
Village - Parasdiha, P.O.- Parasdiha, P.S.- Nagarnausha, Distt.- Nalanda, Pin -  
801305

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Shola Sandhwar

For the Opposite Party/s : Mr.Chandra Bhushan Prasad

**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR**  
**ORAL ORDER**

4      27-02-2023                      Heard Ld. counsel for the petitioner and Ld. APP  
  
for the State.

The petitioner seeks bail in connection with  
  
Agamkuan P.S. Case No. 782 of 2019, registered for the  
  
offences punishable under Sections 406 and 420 of the  
  
Indian Penal Code.

As per allegation, the petitioner after getting an  
  
amount of Rs. 2,21,000/- through cheque and cash of Rs.  
  
1,00,000/- executed a *baibeyana* deed in favour of the  
  
informant and when the informant reminded the petitioner  
  
for registry of the land in question, he refused to do so.

Ld. counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in this case. He further submits as per the agreement for sale the accused-petitioner had promised to sale the land to the informant after purchasing the same from the title holder of the landed property. In case, if the land is not sold to the accused-petitioner by the title holder, the informant will be entitled to get the whole amount with interest. As such, there is no misrepresentation on the part of the accused-petitioner and at-most the informant is entitled to get his amount back with interest.

He further submits that the petitioner has been languishing in jail since 26.03.2021.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in five other cases.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently



opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Additional District and Sessions Judge 1<sup>st</sup>, Patna in connection with Agamkuan P.S. Case No. 782 of 2019, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.



(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bond of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

**(Jitendra Kumar, J)**

ashishkr/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

