

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61352 of 2023

Arising Out of PS. Case No.-589 Year-2023 Thana- PURNEA SADAR District- Purnia

Pankaj Kumar Sah S/O Late Parmeshwar Prasad Sah Village- Belaudi, Ps-
Muffasil, Dist- Purnea

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 13-10-2023 Heard Nr, Gagan Deo Yadav, learned counsel for the

petitioner and Mr. Jitendra Kumar Singh, learned APP for the

State.

2. The petitioner is apprehending arrest in connection
with Muffasil Sadar P.S. Case No. 589 of 2023 instituted under
under Section 406, 420, 467, 468, 471 of the Indian Penal Code
lodged on 1.7.2023 by the informant, Arvind Kumar Sah.

3. As per the prosecution story, the informant has
alleged that the accused persons wanted to part away with 10
'kathas' of land and accordingly took away Rs. 32,62,600/- but
ultimately the documents were not executed whereafter, pleader
notice was sent which was also not acknowledged. Accordingly,
the FIR.

4. Learned counsel for the petitioner submits that it



was failure on the part of the informant which delayed the transfer of the land, in any case, since the transaction could not be completed, he is ready to return the amount without accepting the allegation that has come in the FIR.

5. The further submission is that he intends to pay Rs. 5,62,600/- at the first instance followed by 12 instalments of Rs. 2, 25,000/- each and in the process, will return the entire amount of Rs. 32,62,600/-.

6. Learned APP, Mr. Jitendra Kumar Singh though opposes the prayer states that if he is ready to return the amount, the relief sought for can be considered.

7. Taking into account the fair stand of the petitioner, this Court is inclined to extend him the relief subject to the payment of Rs. 32,62,600/- in the following manner:

- (i) Rs. 5,62,600/- is to be paid at the time of the execution of bail bond issued by the State Bank of India in the name of the informant;
- (ii) Rs. 2,25,000/- each has to be paid per month beginning January 10th, 2024 which shall come to an end on 10th December, 2024 to be transferred in the



bank account of the informant by RTGS after taking the Bank Account details of the informant;

(iii) failure on his part (default) to pay/transfer the amount as undertaken, the informant shall be free to approach the Trial Court for the cancellation of his bail bond.

8. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Muffasil Sadar P.S. Case No. 589 of 2023 to the satisfaction of learned Chief Judicial Magistrate, Purnea subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other 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 co-operate in the investigation and make himself available to the police as and when required;

(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.

(Rajiv Roy, J)

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