

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59784 of 2023

Arising Out of PS. Case No.-2451 Year-2018 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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Sonu Kumar Son Of Arun Prasad Resident Of Village - Chhajan Harishankar,
Gola Chawk, P.S. - Kudhani, District - Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Prashant Kumar Son Of Madan Prasad Resident Of Mohalla - Aghoriya
Bazar Hajipur Road, P.S. - Kazimohammadpur, District - Muzaffarpur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nachiketa Jha, Advocate
For the Complainant/O.P. NO.2 : Mr. Arvind Kumar, Advocate
For the State : Mr. Anil Kumar Singh No. 1, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 01-11-2023 Heard Mr. Nachiketa Jha, learned counsel for the

petitioner, Mr. Arvind Kumar, learned counsel appearing on
behalf of the Complainant/Opposite Party No. 2 and Mr. Anil
Kumar Singh No. 1, learned APP for the State.

2. The petitioner is apprehending his arrest
connection with Complaint Case No. 2451 of 2018, dated
01.09.2008 registered for the offences punishable under
Sections 406, 420 of the Indian Penal Code.

3. Allegation against the petitioner is that he had
taken an amount of Rs. 6,50,000/- to execute the sale deed from
the complainant but after some time he denied to execute the
sale deed and took the time of six months for return his amount.



On 05.05.2018, the petitioner gave a cheque of Rs. 6,50,000/- but the same was dishonoured.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case.

5. Learned counsel for the petitioner outrightly submits on the basis of instruction that the petitioner is ready to settle the dispute with the complainant/opposite party no. 2 and he is ready to pay the entire amount in question i.e. Rs. 6,50,000/- to the complainant within a period of three months. He further submits that he will pay Rs. 2,50,000/- at the time of furnishing bail bond by way of demand draft in favour of the complainant/opposite party no. 2 and the rest amount of Rs. 4,00,000/- will be deposited in two equal instalments.

6. Learned counsel for the Complainant has no objection in this regard.

7. Considering the facts and circumstances of the case, 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/- (Rupees Ten Thousand)



with two sureties of the like amount each to the satisfaction of learned A.C.J.M.Ist, (East), Muzaffarpur in connection with Complaint Case No. 2451 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(i) Let the petitioner deposit Rs. 2,50,000/- by way of demand draft in favour of Complainant/opposite party no. 2 at the time of furnishing bail bond and rest amount of Rs. 4,00,000/- shall pay in two equal installments by way of demand draft in favour of Complainant/opposite party no. 2 and the learned Court below is directed to hand over the demand draft to the complainant or his representative. If the petitioner fails to pay any instalment, the opposite party no. 2 shall be at liberty to move for cancellation of bail before the competent court.

(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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(iii) If the petitioner tampers with the evidence or the witness, 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 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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