

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64053 of 2022

Arising Out of PS. Case No.-608 Year-2018 Thana- DANAPUR District- Patna

CHANDRA MOHAN PRASAD S/O LATE GYAN CHANDRA PRASAD
Resident of village- Nurpur Chandmari, P.S.- Shahpur, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoranjan Kumar, Adv.
For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 9 28-07-2023 1. Heard learned counsel for the petitioner, learned counsel for the informant and learned Additional Public Prosecutor for the State.
2. Petitioner seeks bail, who is in custody since 05.07.2022 in connection with Danapur P.S. Case No.608/2018, dated 06.09.2018, for the offences punishable under Sections 420, 406, 466, 467, 468, 471, 34 of the IPC.
3. According to prosecution case, the informant paid Rs. 20, 90,000/- to the petitioner to purchase the 15 ½ katha of land, after entering into an agreement for sale on 06.12.2017 but the petitioner did not execute the sale deed and threatened the informant to implicate in a false case.
4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. He



further submits that the allegation as alleged in the complaint/F.I.R. is false and fabricated and the petitioner has not received any amount as alleged in the complaint/F.I.R. He further submits that the police has submitted charge sheet only under Sections 420, 406, 504 and 34 of the Indian Penal Code. He further submits that the petitioner has never violated the terms and condition as mentioned in the agreement dated 06.12.2017 and the petitioner had not received any amount from the complainant/informant and it appears from the complaint petition/F.I.R. that the present case is of civil nature and informant/complainant has filed F.I.R./complaint petition only to harass the petitioner and the petitioner is in custody since 05.07.2022 i.e. for more than one year.

5. Learned counsel for the informant as well as learned Additional Public Prosecutor for the State on the other hand opposed the prayer for bail of the petitioner and submits that it has come during investigation that the petitioner has received the amount from the informant/complainant. Apart from that the petitioner has carried one criminal antecedent other than the present one but fairly submits that the petitioner is on bail in that case.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 Miss. Tanvi Singhal, J.M.1st Class, Danapur in connection with Danapur P.S. Case No. 608/2018, subject to the following conditions:-

1. 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.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. 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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