

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63170 of 2023

Arising Out of PS. Case No.-244 Year-2023 Thana- DIGHA District- Patna

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Vishal Kumar S/O Mohan Rai R/O Mohalla- Kurjee Balu Par, P.S- Digha,
Distt.- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-12-2023 Heard Mr.Parashuram Singh, learned counsel for the

petitioner and Mr.Amitesh Kumar, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Digha P.S.Case No.244 of 2023,FIR dated
04.04.2023 registered for the offences punishable under
Sections 406,420,504,506,34 of IPC.

3. According to prosecution case, there is allegation
that the petitioner in connivance with other co-accused persons
embezzled huge money of the informant by way of cheating on
the pretext of providing him a residential plot of land in front of
Atal Path.

4. Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case. In fact



the petitioner is not the landlord of the land in question and petitioner is only mediator of the transaction and as per allegation in the FIR the petitioner has received Rs. 25,00,000/- (Rs. Twenty Five Lacs) from the informant and the rest amount received by other co-accused persons and the petitioner is ready to return Rs. 25,00,000/- (Rs. Twenty Five Lacs) to the informant.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner on the ground that the petitioner carries 11 more cases other than the present one but fairly submits that out of 11 cases, the petitioner is on bail in 09 cases and rest two cases are pending for consideration, as mentioned in para-3 of the anticipatory bail petition.

6. 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 Addl. Chief Judicial Magistrate-XIII, Patna in connection with Digha P.S. Case No.244 of 2023, 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. 25,00,000/-(Rs.Twenty Five Lacs) by way of demand draft in favour of the informant and the learned court below is directed to hand over the said demand draft to the informant and after handing over the demand draft to the informant then the bail bond of the petitioner shall be accepted by the learned court below.

(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 bond shall be cancelled by the Court below.

(III) 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.

(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 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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