

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.73161 of 2022**

Arising Out of PS. Case No.-533 Year-2021 Thana- GAYA COMPLAINT CASE District-  
Gaya

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ABHISHEK KUMAR @ LALAN YADAV @ ABHISHEK @ LALAN  
KUMAR Son of Sri Shiv Kumar Yadav Resident of Village- Baigovan, P.S.-  
Paraiya, District- Gaya(Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rakhi Kumari Wife of Ravi Shankar and D/O Rajendra Prasad Resident of  
Mohalla- Gewal Bigha, P.S.- Rampur, District- Gaya (Bihar)

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Manish Kumar No2, Adv.  
For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA  
ORAL ORDER**

2      10-04-2023                      Heard learned counsel for the petitioner, learned  
  
counsel for the complainant and learned Additional Public  
  
Prosecutor for the State.

Petitioner seeks bail, who is in custody since  
27.08.2022, in connection with Complaint Case No. 533/2021  
dated 01.02.2021, for the offences punishable under Sections  
341, 323, 420 and 406 of the Indian Penal Code.

According to prosecution case, there is allegation  
against the father of the petitioner that after receiving the  
amount of Rs. 15 lac, he did not execute the sale deed in favour  
of the complainant.

Learned counsel for the petitioner submits that the



petitioner has falsely been implicated in the present case. The petitioner is son of the accused no.1. He further submits that from bare perusal of the Complaint petition, it appears that there is no allegation of any cheating against the petitioner rather the specific allegation is against co-accused, namely, Shiv Kumar Yadav, who happens to be the father of the petitioner. The petitioner is in custody since 27.08.2022.

The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one criminal antecedent other than the present one.

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 Smt. Neelam Kumari, Judicial Magistrate 1<sup>st</sup> Class, Gaya, in connection with Complaint Case No.533/2021, 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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