

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68551 of 2022**

Arising Out of PS. Case No.-757 Year-2021 Thana- PATNA COMPLAINT CASE District-
Patna

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Santosh Kumar, S/o Late Hari Kishore Singh R/v- Thuhma, P.S.- Kudhani,
District- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Upendra Kumar Singh, S/o Late Tribhuwan Singh R/v- Thuhma, P.S.-
Kudhani, District- Muzaffarpur At present residing at Mohalla- Trishul
Colony Ambedkar Path, P.S.- Rupaspur, District- Patna, Pin code- 854304

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate
For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 26-04-2023 Heard learned counsel appearing on behalf of the

parties.

Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

The accused/petitioner is named in the F.I.R. and
apprehend his arrest in connection with Complaint Case No. 757
of 2021, in which cognizance has been taken for the offences
registered under Section 406 and 420 of the Indian Penal Code.

Allegation against this petitioner is to receive Rs.
19,44,000/- from complainant, in furtherance of agreement to
sale dated 08.02.2020 along with other co-accused person,
namely, Avinash Kumar, who is the co-sharer of the petitioner



against the piece of land, as mentioned in the paragraph No.5 of the agreement to sale.

Learned counsel appearing on behalf of the petitioner submitted that allegation against the petitioner is to received cash of Rs. 1,00,000/-, which is false, as petitioner never received such amount. It is also submitted that after partition of land, as mentioned in para 5 of the agreement to sale, falls in the share of co-accused, Avinash Kumar, where, petitioner has no concern now, as such, he is not in a position to execute the sale deed. It is further submitted that admittedly, the major payment was received by co-accused, Avinash Kumar, through bank transfer. While concluding the argument, it is submitted that petitioner is a man of clean antecedent.

Learned APP for the State, opposes the prayer of bail.

Considering the aforesaid facts and circumstances of the case, as alleged piece of land falls in share of co-accused, namely, Avinash Kumar, who received maximum part of consideration, accordingly, above-named petitioner, in the event of his arrest or surrender within a period of four weeks, for the date of order, is directed to 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 the learned Judicial



Magistrate-1st Class, Danapur, Patna/concerned Court, where the case is pending in connection with Complaint Case No. 757 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to the following conditions:-

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

(ii) 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.

(iii) 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.”

(Chandra Shekhar Jha, J)

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