

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69356 of 2022

Arising Out of PS. Case No.-498 Year-2021 Thana- BASANTPUR District- Siwan

PRABHAKAR SINGH S/O LATE HARE RAM SINGH Resident of village-
Katalpur Babu Tola, P.S.- Baikunthpur, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bhagawan Shiv Shankar Pandit S/o Shiv Shankar Pandit, r/o village-Lakdi,
P.S. Lakdi Nabiganj, Dist.-Siwan

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashi Kumar Sharma, Adv.
For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

7 26-07-2023 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. In view of the supplementary affidavit filed by
learned counsel for the petitioner stating therein that notice of
O.P. No.2 has been received by his father, namely, Shiv Shankar
Pandit and O.P. No.2 is living along with his father, in view of
the supplementary affidavit filed by learned counsel for the
petitioner, it deemed to be validly served upon the O.P. No.2.

3. Petitioner seeks bail, who is in custody since
05.08.2022 in connection with Basantpur P.S. Case No.
498/2021, F.I.R. dated 13.11.2021, for the offences punishable
under Sections 506, 420, 34 of the IPC & Section 138 of N.I.
Act.



4. According to prosecution case, the petitioner along with other co-accused namely, Subhakar Singh and Brajesh Kumar Singh gave allurement to the informant to sale the land and received Rs. 22 lac in their account but agreed piece of land was not sold to the informant rather the accused persons got another plot registered in favour of the informant, and thus cheated the informant and when the informant demanded the entire amount, co-accused namely Brajesh Kumar Singh and Subhankar Singh returned the amount through two cheques but both the cheques were bounced due to insufficient amount in the bank.

5. 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 F.I.R is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that the petitioner has never issued any cheque in favour of O.P. No.2 and the informant has not followed the procedure prescribed under N.I Act and in spite of the notice issued to the O.P. No.2, he has not appeared. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 05.08.2022.



6. 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 has carried four criminal antecedent other than the present one but fairly submits on the basis of supplementary affidavit filed on behalf of the petitioner that the petitioner is on bail in all the four cases.

7. Considering the aforesaid facts and period of custody, 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 the learned C.J.M., Siwan in connection with Basantpur P.S. Case No.498/2021, 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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