

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72323 of 2022

Arising Out of PS. Case No.-246 Year-2022 Thana- GOPALGANJ TOWN District-
Gopalganj

Ashok Kumar Sinha @ Ashok Kumar Singh S/O Late Binda Prasad Rai R/O
Village- Gangajal Yadav Tola, Post and P.S- Sonpur, District- Saran (Chapra).
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar, Advocate
For the Opposite Party/s	:	Mr. Bhanu Pratap Singh, APP
For the Informant	:	Mr. Anuj Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 13-04-2023 Heard learned counsel for the petitioner, learned
counsel appearing on behalf of the informant as well as learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
03.09.2022 in connection with Gopalganj P.S. Case No. 246 of
2022, F.I.R. dated 26.03.2022 for the offences punishable under
Sections 420, 406, 465, 467, 468, 471, 379, 311, 427, 504 and
120(B) of the Indian Penal Code.

According to prosecution case, the petitioner has taken
token money from the informant by preparing forged documents
of land. It is further alleged that when the informant asked to
return his amount, the petitioner refused to give.



Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that from bare persual of the complaint petition it transpire that the petitioner has taken Rs. 2 lakh as token amount from the informant. He outrightly submits that the petitioner is ready to return Rs. 2 lakh in favour of the informant by way of demand draft at the time of furnishing of the bail bond. The petitioner is in custody since 03.09.2022.

The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner but fairly submits that the informant is ready to receive Rs. 2 lakh subject to the result of the outcome of the case.

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 the learned Chief Judicial Magistrate, Gopalganj in connection with Gopalganj P.S. Case No. 246 of 2022, subject to the following conditions:-

1. Petitioner shall prepare a demand draft of Rs. 2 lakh in favour of the informant, namely, Abhay Kumar at the



time of furnishing bail bond and the learned Court is directed to hand over the said demand draft to the informant.

2. 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.

3. 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.

4. 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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