

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6860 of 2024

Arising Out of PS. Case No.-803 Year-2022 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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Asgar Ansari S/o Late Hanif Ansari R/o Vill - Kochas, P.S. - Kochas, Dist. -
Rohtas Petitioner/s

Versus

1. The State of Bihar
 2. Riyazuddin Ansari S/o Rahim Ansari R/o Vill, P.S. and P.O. - Kochas, Dist. -
Rohtas Opposite Party/s
- =====

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP
For the Complainant : Mr. Jubair Ansari, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-04-2024 Heard Mr. Sunil Kumar Pandey, learned counsel
for the petitioner, Mr. Jubair Ansari, learned counsel appearing
on behalf of the complainant as well as Mr. Mithlesh Kumar
Khare, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Complaint Case No. 803 of 2022 for the
offences punishable under Sections 406 and 420 of the Indian
Penal Code.

3. According to prosecution case, the petitioner took
Rs. 5,11,000/- from the complainant to register a piece of land in
favour of him but the petitioner neither registered the land nor
returned the money to the complainant.

4. 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 the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. He further submits that the petitioner has returned the amount in question to the complainant on 13.10.2021 itself. He further submits that the petitioner has produce a non judicial stamp which suggests that the complainant has received the amount in question from the petitioner.

5. The learned counsel appearing on behalf of the complainant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and submits that the non judicial stamp which was produced by the petitioner is false and fabricated and the complainant has never received any amount from the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of 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 the learned Sub Judge-VII-cum- Additional Chief Judicial Magistrate,



Sasaram, Rohtas in connection with Complaint Case No. 803 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 his absence on two consecutive dates without sufficient reason, his 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.

(Rajesh Kumar Verma, J)

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