

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10068 of 2023

Arising Out of PS. Case No.-473 Year-2022 Thana- HAJIPUR SADAR District- Vaishali

PREM RAI @PREM KUMAR Son of Late Asarfi Rai Resident of Village-
Bajitpur Dhobghatti, P.S.- Hajipur Sadar, District- Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rakesh Kumar Son of Late Anand Bihari Sharma R/O Road no. 1B, House
no. 1 A Shivpuri, Rajbanshi Nagar, P.S.- Shastri Nagar, Dist.- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjit Kumar Thakur, Advocate

For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

10 24-09-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
punishable for the offence under Sections 406, 420, 120(B),
341, 504, 506 of the Indian Penal Code.

3. The prosecution case, in brief, is that pursuant to an
agreement between the parties, petitioner alongwith other co-
accused persons were paid Rs. 50 lakhs to execute the sale-deed
for the property/land in question in favour of the opposite party
no. 2, but later on, they refused to execute the sale-deed and
also refused to refund the amount.

4. Learned counsel for the petitioner submits that



petitioner has been falsely implicated in this case. As a matter of fact, petitioner had taken a loan from one Pawan Kumar (co-villager) for the purpose of marriage and subsequently, he also returned the said amount, but in that process, said Pawan Kumar took signature of petitioner on blank paper and ultimately, he used that signature showing execution of alleged agreement, since Pawan Kumar and others are agent of informant. However, without admitting the allegation made in the F.I.R., the petitioner is ready to deposit **Rs. 7,54,000/- (Rupees seven lacs fifty four thousand)** in easy installments in the Nazarat of concerned Civil Court.

5. Considering the aforesaid facts and circumstances, let the above named petitioner, in the event of his arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bond of **Rs. 10,000/-** (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No. 473 of 2022, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure with further following conditions:

“(A) At the time of furnishing bail-bond, the petitioner shall deposit **Rs. 1,00,000/-** (one lakh) in



the *Nazarat* of concerned Civil Court and receipt of the same shall be furnished alongwith bail-bond.

(B) Rest amount i.e. **Rs. 6,54,000/-** (six lakh fifty four thousand) shall be deposited in the *Nazarat* of concerned Civil Court within a period of six months from the date of furnishing bail-bond.

(C) The aforesaid payment shall be subject to final outcome of the case.

(D) If petitioner fails to comply the direction of this Court, the learned Court below would be at liberty to cancel the bail-bond of the petitioner.”

6. This order has been passed, without going into the merit of the case, only for the purpose of considering the prayer for anticipatory bail of petitioner.

(Prabhat Kumar Singh, J)

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