

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24046 of 2024

Arising Out of PS. Case No.-233 Year-2023 Thana- DELHA District- Gaya

Rohit Kumar @ Bablu Krodiya @ Babloo Kolraliya S/o Late Kanhaiya
Prasad R/O MOHALLA CHHOTKI DELHA PS DELHA DIST GAYA

... .. Petitioner/s

Versus

1. The State of Bihar
2. Amit Kumar S/o Kishor Lal R/o vill and Post and P.s. - Konch, Distt. - Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prithivi Raj Singh, Advocate
For the Opposite Party/s : Mr. Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 19-07-2024 Heard the parties.

2. The petitioner is an accused in connection with Delha P.S. Case No. 233 of 2023 for the offence under Sections 341, 323, 406, 420, 504, 506 and 34 of the I.P.C. lodged on 09.09.2023 by the informant, Amit Kumar.

3. As per the prosecution story, the informant alleged that the accused persons lured him for a piece of land and an agreement of Rs. 32,50,000/- was made. The informant paid Rs. 23 lakh thereafter the accused started procrastinating. Later, Lajwanti Devi died thereafter when the son of the informant went to the site to construct a boundary wall, the accused persons including the petitioner herein informed that they are not bound by the agreement, unless a payment of Rs. 10 lakh was made. Accordingly, the FIR.

4. Learned Counsel for the petitioner submits that though



the informant alleges that the payment was made to his late mother to the tune of Rs. 32,50,000/-, payment of only Rs. 23 lakh was known to him and now that the mother is no more, other brothers are there who are also accountable, he undertakes to pay Rs. 10 lakh by way of Demand Draft in the name of informant namely, Amit Kumar issued by the local State Bank of India Branch at the time of execution of bail bond, if the same is extended to him.

5. Learned Counsel for the informant has appeared and though he opposes the prayer for bail, accepts that his hard earned money has been taken away by the accused persons, even a smaller amount if returned, will be helpful for him/family members.

6. Taking into account the fact that a case has been lodged, the petitioner will face the trial, he is in custody since 07.11.2023 (paragraph-14 to the petition) and has undertaken to make payment of Rs. 10 lakh (as stated above) to the informant, this Court is inclined to extend him privilege of bail subject to condition that the payment has to be made at the time of execution of bail bond.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Court of A.C.J.M.-4th, Gaya in connection with Delha P.S. Case No. 233 of 2023, subject to the following conditions:-

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his



bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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