

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26034 of 2024

Arising Out of PS. Case No.-343 Year-2023 Thana- KORHA District- Katihar

Ajay Kumar Singh Son Of Khublal Singh Resident Of Village- Mahinathpur,
Ps- Korha, Dist- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar Singh, Advocate
For the Informant	:	Mr. Ajit Kumar Singh, Advocate
For the State	:	Mr. Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-05-2024 Heard Mr. Sanjeev Kumar Singh, learned counsel
for the petitioner, Mr. Ajit Kumar Singh, learned counsel for the
informant and Mr. Shyam Kumar Singh, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Korha P.S. Case No. 343 of 2023, F.I.R. dated
02.09.2023 for the offences punishable under Sections 406, 420
and 34 of the Indian Penal Code.

3. According to prosecution case, the petitioner along
with other co-accused persons has met with the informant for
purchase of land and after agreement of the land the informant
has given an advance of Rs.11,50,000/- to the land broker,
namely, Balmiki Kumar. After the agreement, the informant



asked for registry of the land to the broker, namely, Balmiki Kumar but he did not replied after that informant demanded his money back but the Balmiki Kumar threatened him if he demands the money he will kill him.

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 FIR is false and fabricated and the petitioner has only introduced the land owner to the informant. He further submits that the petitioner has not received any amount and at best he is only the witness of the agreement in question.

5. Learned Additional Public Prosecutor for the State as well as learned counsel for the informant, on the other hand, have vehemently opposed the prayer for bail of the petitioner and submits that it has come during investigation that the petitioner was involved in the agreement in question and apart from that the petitioner has created a gang of some persons and they have cheated the people.

6. Considering the aforesaid facts that the petitioner has clean antecedent and he has not received any amount from the informant and he is only the witness of the agreement in



question, let the petitioner, above named, in the event of his 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 Chief Judicial Magistrate, Katihar in connection with Korha P.S. Case No. 343 of 2023, 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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