

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25091 of 2024

Arising Out of PS. Case No.-4476 Year-2023 Thana- PATNA COMPLAINT CASE District-
Patna

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Randhir Kumar @ Randhir Son of Gokhul Rai, Resident of Manoharpur
Kachuara, P.S. - Gopalpur, District - Patna.

... .. Petitioner

Versus

1. The State of Bihar.
2. Shankar Singh Son of Late Ram Vilash Singh, Resident of Quarter No. C/9,
Phase-2, Akashvani Colony, P.O. - G.P.O., P.S. - Kotwali, District - Patna.

... .. Opposite Party

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Appearance:

For the Petitioner	:	Mr. Shambhu Narayan Singh, Advocate Mr. Suraj Kumar Tiwari, Advocate
For the State	:	Mr. Mithlesh Kumar Khare, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-05-2024 Heard Mr. Shambhu Narayan Singh, the learned

counsel for the petitioner, the learned counsel for the

complainant and Mr. Mithlesh Kumar Khare, the learned

Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in

connection with Patna Complaint Case No. 4476 of 2023,

registered for the offences punishable under Sections 323, 341,

379, 406 and 420 of the Indian Penal Code.

3. According to prosecution case, the complainant

entered into an agreement for sale with his co-worker and paid

Rs. 3,00,000/- (Rupees three lakhs) as earnest money and later

paid the total consideration money, i.e., Rs. 12,00,000/- (Rupees



twelve lakhs). It is further alleged that when the complainant and his son went on to measure the land, then they found out that his co-worker has already sold the said land to some other person. It is further alleged that when the complainant went to the house of the accused person, they snatched gold chain took Rs. 1,50,000/- (Rupees one lakh and fifty thousand) and also beat the son of the complainant.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case merely on the ground that petitioner is the son of the co-accused persons namely, Gokhul Rai and Sumitra Devi. He further submits that upon perusal of the complaint petition it appears that the complainant has paid the amount in question to the co-accused persons namely, Gokhul Rai and Sumitra Devi and the petitioner has not received any amount from the complainant and as per the allegation levelled in the complaint petition, the petitioner has tried to assault the complainant when he came to petitioner's house for demand of money. Learned counsel for the petitioner lastly submits that on the date of occurrence, the petitioner was not present at the place of occurrence.

5. The learned Additional Public Prosecutor for the



State on the other hand has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and the fact that the petitioner has clean antecedent, there is no specific allegation against him and he has been made accused merely on the ground that he is the son of the co-accused persons, let the petitioner, above-named, in the event of his arrest or surrender before the trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory 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 Judicial Magistrate-1st Class, Patna, where the case is pending in connection with **Patna Complaint Case No. 4476 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and shall remain physically present as directed by the trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the trial Court.



(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 trial Court 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 trial Court 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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