

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39343 of 2024

Arising Out of PS. Case No.-5600 Year-2019 Thana- PATNA COMPLAINT CASE District-
Patna

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Shailendra Kumar Son Of Late Birendra Kumar Chaudhary Resident Of
54/35/15 (B) Saristabad Road New Yarpur Ps- Gardanibagh Dist- Patna
... .. Petitioner/s

Versus

1. The State of Bihar
2. Niranjana Kumar son of Girijanand Singh R/o- Munna Chak, Chitragupt
Nagar Ps- Patrakar Nagar Dist- Patna
... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Vikas Mohan, Advocate
For the Opposite Party/s :	Mr. Parmanand Prasad, APP
For the Informant :	Mr. Atul Kumar Mehta, Advocate Ms. Sushmita Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 26-06-2024 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Complaint Case No. 5600(C)/ 2019 for the offence under Sections 341, 323 and 379 of the I.P.C. lodged on 08.01.2020 by the informant, Niranjana Kumar.

3. As per the prosecution story, the complainant alleged that for a piece of land at the rate of Rs. 80,000/- per katha, complainant altogether paid Rs. 39,00,000/- out of which while 36.5 lakh was given to the petitioner, the rest Rs. 2.5 lakh was handed over to Danish. However, the transaction failed and later as the accused chose not to return the amount, the case.

4. Learned counsel for the petitioner submits that there has been some confusion and that resulted into non-



payment/complaint. To make the record straight, he submits on instructions, the petitioner is ready to pay Rs. 36,50,000/- which was received by him as incorporated in the agreement.

5. Learned counsel appearing on behalf of the complainant submits that in case he undertakes to make payment, he has no reason to oppose the bail.

6. Taking into account the positive stand taken by the parties, the complaint is there, the law will take its own course. However, so far as the anticipatory bail is concerned the same is allowed subject to payment of Rs. 36,50,000/- by way of demand draft in favour of the complainant (Niranjan Kumar) issued by the State Bank of India Local Branch. The Draft will be submitted before the concerned Court and to be handed over to the complainant after checking his credentials.

7. Rs. 25,00,000/- shall be paid at the time of the filing of the surrender petition while the rest 11,50,000/- has to be cleared by 14th of August, 2024. Failure to do so, the Court shall take immediate steps for the cancellation of the bail bond of the petitioner.

8. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/-



(Ten thousand) each with two sureties of like amount each to the satisfaction of learned ACJM, XII, Patna in connection with Complaint Case No. 5600(C)/ 2019 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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

(Rajiv Roy, J)

Adnan/-

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