

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39618 of 2024

Arising Out of PS. Case No.-24 Year-2024 Thana- TARIYANI CHOWK District- Sheohar

Brij Kishore Ray @ Braj Kishore Ray S/O Kamal Roy R/O village-
Parambasant (Param Vasant), P.S. -Tariyani, District-Sheohar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pragas Kumar S/O Late Singeshwar Ray R/O Village- Parambasant, P.S.-
Tariyani, Dist- Sheohar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sunil Prasad Singh, Advocate
For the Informant	:	Mr. Sheo Kumar Prasad, Advocate
For the Opposite Party/s	:	Mr. Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 26-10-2024 Heard Mr. Sunil Prasad Singh, learned counsel for the petitioner, Mr. Sheo Kumar Prasad, learned counsel for the Informant and Mr. Chandra Sen Prasad Singh, learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Tariyani P.S. Case No. 24 of 2024, F.I.R. dated 06.02.2024 registered for the offences punishable under Sections 406 and 420 of the Indian Penal Code.

3. Allegation against the petitioner is that he has committed fraud with the informant and had not executed the sale deed in favour of him.

4. Learned counsel for the petitioner submits that the



petitioner, who is of clean antecedent, is innocent and has been falsely implicated in the present case. He further submits that although petitioner has received the amount in question in the year 1999 but due to some reason he has not executed the sale deed in favour of the informant. Learned counsel for the petitioner on instruction submits that now the petitioner is ready to execute the sale deed of 28 decimal of land in favour of the informant within a period of eight weeks.

5. Learned counsel for the informant has no objection in this regard.

6. Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of 10 weeks from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sheohar in connection with Tariyani P.S. Case No. 24 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(I) The petitioner shall execute the sale deed of 28 decimal of land in favour of the informant within the aforesaid



period as stated above then the learned Court below shall accept the bail bond of the petitioner.

(ii) 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.

(iii) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iv) 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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