

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43117 of 2024

Arising Out of PS. Case No.-938 Year-2023 Thana- NATHNAGAR District- Bhagalpur

RAJ KUMAR SON OF SHAILENDRA YADAV @ SAILENDRA YADAV
RESIDENT OF VILLAGE - BHIMKITTA, P.S. - MADHUSUDANPUR,
DISTRICT - BHAGALPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Pandey, Advocate
For the Opposite Party/s : Mr.Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-07-2024 Heard learned counsel for the petitioner, the State
and the informant.

2. The petitioner is in judicial custody in connection with Nathnagar (Madhusudanpur) P.S. Case No. 938 of 2023 for the offence punishable under Sections 406, 420, 504, 506 of the Indian Penal Code lodged on 11.11.2023 by the informant, Sweata Kumari.

3. As per the prosecution story, the informant alleged that Rs. 2,90,000/- was taken through cash as also Pay Phone for registry of a piece of land but later chose not to part away of the said land. Legal notice was sent followed by this FIR.

4. Learned counsel for the petitioner submits that he never received the amount but now that the case has been



lodged, he intends to return the amount but has problem in paying the same in full as he is in jail. It is his submission that Rs. 1,50,000/- will be paid at the time of his execution of bail bond while rest Rs. 1,40,000/- in the following manner:

(i) Rs. 30,000/- each shall be paid in the first week of August, September, October and November, totalling Rs. 1,20,000/-.

(ii) Rest Rs. 20,000/- by first week of December, 2024.

(iii) Failure to do so, the prosecution shall be free to get his bail bond cancelled.

5. Learned counsel for the informant submits that now good sense has prevailed upon him and as he has chosen not to part with the land, if he is ready to pay the amount, the informant will not oppose the prayer for bail.

6. Taking into account the aforesaid fair submission put forward by the parties as also that he is in custody since 30.3.2024 (para-10 of the petition), this Court is inclined to extend him the privilege of bail subject to payment of the amount as narrated above.



7. The entire amount shall be paid through Bank Draft issued in the name of the informant to be submitted before the Court which in turn shall release the same in favour of informant after checking her credentials. Failure to do so for even one month, the Court shall take immediate steps for cancellation of his bail bond.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur, in connection with Nathnagar (Madhusudanpur) P.S. Case No. 938 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 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)

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