

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42625 of 2024

Arising Out of PS. Case No.-2413 Year-2022 Thana- SARAN COMPLAINT CASE District-
Saran

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Anup Kumar @ Anup Kumar Gupta Son of Late Shatrughan Prasad, R/O
Mohalla- Bara Telpa, P.S.- Chapra Town, Dist.- Saran.

... .. Petitioner

Versus

1. The State of Bihar
2. Sanjay Gupta Son of Banshi Prasad, R/O Mohalla- Bara Telpa, P.S.- Chapra
Town, Dist.- Saran.

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Ravi Prakash, Advocate
For the Opposite Party : Mr. Uday Chand Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-07-2024 Heard Mr. Ravi Prakash, the learned counsel for

the petitioner and Mr. Uday Chand Prasad, the learned

Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in

connection with Saran Complaint Case No. 2413 of 2022, dated

01.08.2022, registered for the offences punishable under

Sections 420, 467, 468, 471, 323, 504 and 379 of the Indian

Penal Code.

3. According to the prosecution case, the land in

question belongs to the temple of complainant's ancestor and

the said land is still under the possession of the temple. It is

further alleged that the co-accused persons hatched a conspiracy



to sell the land that belongs to the temple to other co-accused persons by committing forgery and fraud. It is further alleged that one Ajay Kumar Singh snatched Rs. 7,000/- (Rupees seven thousand) from the complainant's pocket.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case and the allegation levelled in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. He further submits that complainant is the cousin brother of the petitioner and in fact, the petitioner has sold the land in question to different persons and the petitioner is the bonafide owner of the land in question and it is evident from the complainant petition itself that partition has already taken place between the complainant and the petitioner. He lastly submits that petitioner has sold the portion of land which he has obtained through the partition.

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 mainly the facts that petitioner has clean antecedent and he has sold the land which he has obtained through partition, let the



petitioner, above-named, in the event of his arrest or surrender before the learned 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 Chief Judicial Magistrate, Saran at Chapra, where the case is pending in connection with **Saran Complaint Case No. 2413 of 2022**, 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 learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned 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 learned 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 learned 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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