

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43831 of 2024

Arising Out of PS. Case No.-298 Year-2023 Thana- RAXAUL District- East Champaran

Ajay Kumar @ Yogendra Das S/O Shiv Pasanna Das @ Shiv Prasanna Das
R/O Mohalla--College Road,Raxaul,P.S.-Raxaul,Distt-East Champaran
Permanent resident of village-Khodwa,P.S.-Palanwa,Distt-East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Surendra Pandit S/O Late Jita Pandit R/O Village-Bhelahi,Ward no. 06,P.S.-
Palanwa,Distt-East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shashank Shekhar, Advocate
For the State	:	Mr. Uma Shankar Prasad Singh, APP
For the Informant	:	Mr. Abhishek Kumar, Advocate
	:	Mr. Rashmi Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 27-06-2024 Heard Mr. Shashank Shekhar, learned counsel for

the petitioner, Mr. Uma Shankar Prasad Singh, Mr. Abhishek

Kumar, learned counsel appearing on behalf of the informant as

well as learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Raxaul P.S. Case No. 298 of 2023, F.I.R. dated
23.06.2023 for the offences punishable under Sections 406 and
420 of the Indian Penal Code and Section 138 of the Negotiable
Instruments Act.

3. According to prosecution case, petitioner has taken
Rs. 8,55,000/- from the informant to sell the land to him.



Thereafter he also taken Rs. 70,000/- for expenditure in lieu of registry but did not register the land. Thereafter, the petitioner sold the said piece of land to another person and in Panchayati accused persons were got ready to pay total 9,95,000/- to the informant with an assurance that the said cheque will be honored after two months but when the informant presented the said cheque to his branch the said cheque got dishonored due to insufficiency of fund in the account of the petitioner.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He outrightly submits that the petitioner is ready to settle the dispute and he is ready to return all the amount i.e. Rs. 9,95,000/- to the informant.

5. Learned counsel for the informant has no objection if the petitioner will return the entire amount to the informant. Learned Additional Public Prosecutor submits that petitioner carries four criminal antecedents other than the present one.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on 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 S.D.J.M., Raxaul, East Champaran in connection with Raxaul P.S. Case No. 298 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. At the time of furnishing bail bond, the petitioner shall furnish a demand draft of Rs.50,000/- in favour of the informant, namely, Surendra Pandit and learned Court below is directed to hand over the said demand draft to the informant or his representative and rest amount of Rs. 9,45,000/- shall be paid to the informant within a period of one year. If the petitioner fails to return the amount within the aforesaid period, the informant shall be at liberty to move before the appropriate forum for cancellation of 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 witnesses, 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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