

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60027 of 2024

Arising Out of PS. Case No.-8852 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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Lalit Kumar Dev @ Lalit Kumar Son Of Upendra Prasad Dev, Resident Of
Village - Rohini, Sector 16E, Block Building No. E 4/70, P.S.- Karju Marg
Sector-16, Delhi.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. Aftab Ahmad Son Of Hazi Abdus Subhan, Resident Of Village - Karbigahia,
Near Chhoti Masjid, P.S. - Jakkanpur, District - Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nagendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Pranav Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-09-2024 Heard Mr. Nagendra Kumar Singh, the learned

counsel for the petitioner and Mr. Pranav Kumar, the learned

Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in

connection with Patna Complaint Case No. 8852 (c) of 2022,

registered for the offences punishable under Section 138 of N.I.

Act and under Section 420 of the Indian Penal Code.

3. According to the prosecution case, the petitioner

along with other co-accused persons tricked the complainant to

purchase a plot at Shahabad Daulatpaur Locality in Delhi and

accordingly, the complainant paid Rs. 10,00,000/- (rupees ten

lakhs) to the accused persons and power of attorney was



executed by one accused in favour of the complainant. It is further alleged that when the complainant started the work for erecting boundary wall over the said plot, he was stopped by other persons claiming to be the real owner of the plot in question. It is further alleged that Rs. 4,50,000/- (rupees four lakhs and fifty thousand) was returned to the complainant by way of bank cheque and Rs. 50,000/- (rupees fifty thousand) as cash for cancellation of the said property, however, when the said cheque was presented for encashment, it was dishonoured due to insufficient balance.

4. Learned counsel for the petitioner outrightly submits that petitioner is ready to return Rs. 4,50,000/- (rupees four lakhs and fifty thousand) to the complainant. As per allegation in the complaint petition, the petitioner had issued a cheque of Rs. 4,50,000/- (rupees four lakhs and fifty thousand) in favour of the complainant, which was dishonoured by the concerned bank due to insufficient balance.

5. Learned counsel for the petitioner is directed to furnish a demand draft of Rs. 4,50,000/- (rupees four lakhs and fifty thousand) in favour of the complainant namely, Aftab Ahmad at the time of furnishing of the bail bond and the learned trial Court is directed to hand over the said demand draft to the



complainant or his representative.

6. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries eight criminal antecedents other than the present one.

7. Considering the aforesaid facts and circumstances, 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 Judicial Magistrate 1st Class, Patna, where the case is pending in connection with **Patna Complaint Case No. 8852 (c) 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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