

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.55491 of 2023**

Arising Out of PS. Case No.-267 Year-2021 Thana- PARSABAZAR District- Patna

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Vinod Kumar Son of Late Baldeo Rai, Resident of Village -Bhikha Chak, PS-  
Gardanibagh, Distt- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

|                          |   |                                                                 |
|--------------------------|---|-----------------------------------------------------------------|
| For the Petitioner/s     | : | Mr. Y.C. Verma, Sr. Advocate<br>Mr. Ajay Kumar Prasad, Advocate |
| For the Informant        | : | Mr. Rajan Kumar Singh, Advocate                                 |
| For the Opposite Party/s | : | Mr. Chandra Sen Prasad Singh, APP                               |

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

6      07-03-2024                      Heard Mr. Y.C. Verma, the learned senior counsel  
  
for the petitioner, Mr. Rajan Kumar Singh, the learned counsel  
for the Informant and Mr. Chandra Sen Prasad Singh, the  
learned Additional Public Prosecutor for the State.

2.                      The petitioner is apprehending his arrest in  
connection with Parsa Bazar PS Case No. 267 of 2021, G.R. No.  
5246 of 2021, FIR dated 06.08.2021, registered for the offences  
punishable under Sections 406, 420, 504, 506 and 120(B) read  
with Section 34 of the Indian Penal Code.

3.                      According to prosecution case, one Vinod Kumar  
fraudulently sold a piece of land to the informant, who  
altogether paid Rs. 34,75,000/- (Rupees thirty four lakhs and  
seventy five thousand) to Vinod Kumar (Petitioner) and Vinay



Singh, on different dates. It is further alleged that when the informant came to know about the fraud, he asked for refund which the accused persons refused.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that pursuant to the family partition dated 08.12.2023, the petitioner who is the land broker has contacted the land owner namely, Ashok Kumar Soni and Devanand Kumar Soni and after receiving the consideration amount from the informant, the original land owner namely, Ashok Kumar Soni has executed the sale-deed in favour of the wife of the complainant namely, Rachana Devi and Priti Sharma on 04.12.2019 and 10.07.2020 respectively. He lastly submits that although he has received some amount from the informant, but he has handed over the same to the land owner and after receiving the entire consideration amount, the land owner has put the sale-deed in favour of the informant.

5. The learned counsel for the informant and the learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that he has filed a counter-affidavit and brought on the record that the petitioner has received some



amount from the complainant, but bare perusal of the sale agreement, it appears that the sale agreement is dated 22.07.2019 and after that the original land owner namely, Ashok Kumar Soni has executed a sale-deed in favour of the family members of the informant on 04.12.2019 and 10.07.2020.

6. Considering the aforesaid facts and circumstances and the fact that the petitioner has clean antecedent and the fact that after receiving the entire consideration amount, the land owner has put the sale-deed in favour of the informant, let the petitioner, above-named, in the event of his arrest or surrender before the Court below, 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 Sub-Judge-VIII-cum-Chief Judicial Magistrate, Patna, where the case is pending in connection with **Parsa Bazar PS Case No. 267 of 2021**, 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 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.

(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 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)**

Shahnawaz/-

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