

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61151 of 2024

Arising Out of PS. Case No.-343 Year-2023 Thana- KORHA District- Katihar

Balmiki Kumar Son of Sudhir prashad yadav Resident of village- Banki, P.S.
- Rupauli, District- Purnia.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Saroj Sharma, Advocate
For the State	:	Mr. Ajay Kumar Jha, APP
For the Informant	:	Mr. Ajit Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-09-2024 Heard Mr. Saroj Sharma, learned counsel for the petitioner, Mr. Ajay Kumar Jha, learned Additional Public Prosecutor for the State and Mr. Ajit Kumar Singh, learned counsel appearing on behalf of the informant.

2. The petitioner is apprehending his arrest in connection with Korha P.S. Case No. 343 of 2023, F.I.R. dated 02.09.2023 for the offences punishable under Sections 406, 420 and 34 of the Indian Penal Code.

3. According to prosecution case, petitioner, who is a land broker, has taken the consideration amount of the land but denied to register the land into the informant's name.

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 that allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. He further submits that the petitioner has received the amount from the informant for the land in question which was mentioned in agreement of sale dated 23.06.2022 and after receiving the entire consideration amount the informant has informed the petitioner that the land in question may be registered in the name of his sister-in-law (Sarhaj), thereafter the petitioner has executed the land in question in favour of the sister-in-law (Sarhaj) of the informant by a registered sale deed dated 31.05.2023 and thereafter the informant has filed the present false case against the petitioner on 02.09.2023.

5. Learned counsel for the informant as well as learned Additional Public Prosecutor for the State, on the other hand, have vehemently opposed the prayer for bail of the petitioner and submits that the informant has never informed the petitioner to execute the land in question in favour of his sister-in-law (Sarhaj) and without consulting the informant, the petitioner has executed the sale deed in favour of the sister-in-law (Sarhaj) of the informant and apart from that the petitioner is not ready to return the amount in question to the informant.



The informant has received the amount from the bank as a loan.

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 Chief Judicial Magistrate, Katihar in connection with Korha P.S. Case No. 343 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. 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)

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