

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61721 of 2023

Arising Out of PS. Case No.-2776 Year-2019 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Santosh Kumar @ Santosh Kumar Shrivastava Son Of Ram Naresh Prasad
Resident Of Village New Gopalpur Raja Bazar, P.S.- Motihari Town, District-
East Champaran

... .. Petitioner/S

Versus

1. The State of Bihar
2. Savita Devi Wife Of Satyapal Prasad Resident Of Mohalla- Naga Road, War
No. 22, P.S.- Raxual, District- East Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar
For the Opposite Party/s : Mr.Mohammad Sufyan

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 10-05-2024 Heard learned counsel for the petitioner, informant
and learned APP for the State.

2. The petitioner is apprehending his arrest in
connection with East Champaran Complaint P.S. Case No. 2776
of 2019 instituted for the offences under Sections 323, 406, 420
and 506/34 of the Indian Penal Code.

3. As per prosecution case, the petitioner along with
co-accused persons had taken Rs. 21,55,000/- in advance for
3BHK flat from the complainant, but this petitioner neither
delivered the flat nor paid earnest amount of Rs. 21,55,000/- to
the complainant. It is further alleged that the petitioner also



threatened the complainant to kill her husband.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted by learned counsel for the petitioner that petitioner is ready to return an amount of Rs. Twenty One lakh and fifty five thousand only/- (21,55,000/-) to the complainant to which learned counsel for the informant has no objection.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances as also the fact that the petitioner is ready to return a sum of Rs. 21,55,000/- to the complainant, let the petitioner, above named, in the event of arrest/surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Court below/concerned Court in connection with East Champaran Complaint P.S. Case No. 2776 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with a condition:

(i) If the petitioner did not return total amount of Rs.



Twenty One lakh and fifty five thousand only/- (21,55,000/-) to the complainant within a period of six months from today, the prosecution will be at liberty to move for cancellation of bail granted to the petitioner.

(Rudra Prakash Mishra, J)

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