

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70680 of 2023

Arising Out of PS. Case No.-467 Year-2019 Thana- GAYA COMPLAINT CASE District-
Gaya

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Rajesh Ghosh @ Rajesh Yadav S/O- Late Mahadeo Yadav R/O- Mohalla-
Madanpur, Bypass Road, Chand Chaura, P.S.- Vishnupad, Dist.- Gaya, Bihar.

... .. Petitioner/s

Versus

1. The State Of Bihar, Patna
2. Rajesh Kumar @ Rajesh Kumar Sinha Son Of Late Kedarnath Sinha
Resident Of Mohalla - Chand Chaura, P.S. - Vishnupad, District - Gaya

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Suman Kumar, Advocate
For the Opposite Party/s	:	Mr. Surendra Prasad Singh, APP
For the Complainant	:	Mr. Vinod Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 05-03-2024 Heard Mr. Suman Kumar, learned counsel for the

petitioner, Mr. Vinod Kumar, learned counsel appearing on

behalf of the complainant as well as Mr. Surendra Prasad Singh,

learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Complaint Case No. 467 of 2019 for the
offences punishable under Sections 467, 468, 120(B), 504, 420,
419, 406 and 34 of the Indian Penal Code.

3. According to prosecution case, the accused person
took money from the complainant but did not executed the land
in favour of the complainant.

4. Learned counsel for the petitioner submits that



petitioner is innocent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the complaint petition is false and fabricated and the petitioner has not committed any offences as alleged in the complaint petition. He further submits that from perusal of the complaint petition it appears that the year in which the occurrence took place is 2011 but the present complaint petition has been instituted in the year 2019. He further submits that there is no specific allegation that whether the complainant had paid any single amount to the petitioner and in fact, the agreement has been instituted between Mahadeo Yadav and the complainant and the said Mahadeo Yadav is the father of the petitioner.

5. The learned counsel appearing on behalf of the complainant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner.

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, Gaya in connection with Complaint



Case No. 467 of 2019, 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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