

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71725 of 2023

Arising Out of PS. Case No.-1059 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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Rohit Kumar, (Male), aged about 34 years, Son of Sri Vijay Kumar Singh,
Resident of Village - Alawalpur, P.S. - Gaurichak, District – Patna.

... .. Petitioner

Versus

1. The State of Bihar.
2. Susmita Kumari, (Female), aged about 33 years, W/O Sanjay Kumar, R/O. Mohalla NTPC Colony, East Ramkrishna Nagar, New Jaganpura, P.S. - Ramkrishna Nagar, District – Patna.

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Dinkar Kumar, Advocate
For the O.P. No. 2	:	M/S. Awdhesh Kumar and Jai Prakash Singh, Advocates
For the State	:	Mr. Prem Kumar Jha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

5 12-02-2024 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioner, learned counsel for the opposite party no. 2 and learned A.P.P. for the State.

3. The petitioner is apprehending his arrest in connection with Patna Complaint Case No. 1059 of 2022 dated 15.03.2022 for the offences punishable under Sections 420, 406, 426, 506, 504/34 of the I.P.C., in which cognizance has been



taken under Section 420 of the I.P.C.

4. As per the prosecution case, the petitioner and the co-accused Sujit Kumar showed a land to the complainant and her husband for Rs. 2,25,000/- per Katha. Further, an agreement for sale was prepared. The complainant paid Rs. 21,00,000/- on different dates to the accused persons. The complainant also got a challan of Rs. 1,44,766/- issued for the purpose of registration of sale deed. It is further alleged that when the complainant requested the petitioner to execute the sale deed, he demanded 50% more amount besides the agreed amount in the name of price hiked of the land in question.

5. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case. It is submitted by learned counsel for the petitioner that according to the supplementary affidavit filed on behalf of the petitioner, the petitioner has agreed to pay a total amount of Rs. 21,00,000/- to the complainant. Out of which, Rs. 4,00,000/- has been paid in the 1st week of February, 2024, Rs. 7,00,000/- will be paid in the last week of February, 2024, Rs. 5,00,000/- will be paid in the 1st week of March, 2024 and Rs. 5,00,000/- will be paid in the 3rd week of March, 2024. It is further submitted that the petitioner has clean antecedent as stated in paragraph



no. 3 of the bail petition.

6. Learned A.P.P. for the State and learned counsel for the opposite party no. 2 have supported the facts mentioned in the said supplementary affidavit.

7. Considering the aforesaid facts and circumstances of the case as well as in view of the terms and conditions as mentioned in the supplementary affidavit filed on behalf of the petitioner, let the above named, petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. Ist Class, Patna in connection with Patna Complaint Case No. 1059 of 2022, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure with further conditions:-

I. The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the prosecution will be at liberty to move for cancellation of his bail bonds.

II. The petitioner is directed to pay all settled



amount to the complainant within the stipulated period, failing which, the court below will be at liberty to cancel the bail bonds of the petitioner.

III. The complainant is directed to take step for the disposal of this case at the earliest.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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