

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70164 of 2023

Arising Out of PS. Case No.-693 Year-2022 Thana- BHABHU(KAIMUR) COMPLAIN C
District- Kaimur (Bhabua)

Ashok Kumar Singh, Son of Mohan Singh, Resident of Village - Lohra, P.S. -
Chainpur, District- Kaimur.

.. ... Petitioner/s

Versus

1. The State of Bihar.
2. Bijay Bahadur Singh Son of Late Laxman Kushwaha, Resident of Village -
Parwatpur, P.S. - Chainpur, District- Kaimur (Bhabhua).

... ... Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Aquaib Khan, Advocate
For the Complainant	:	Mr. Tribhuwan Narayan, Advocate
For the State	:	Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 05-03-2024 Heard Mr. Aquaib Khan, learned counsel for the
petitioner, Mr. Tribhuwan Narayan, learned counsel for the
Complainant and Mr. Satya Nand Shukla, learned APP for the
State.

2. The petitioner is apprehending his arrest
connection with Complaint Case No. 693 of 2022, dated
07.06.2022 registered for the offences punishable under Section
420 of the Indian Penal Code.

3. Allegation against the petitioner is that he along
with co-accused persons cheated an amount of Rs. 12,00,000/-
(Twelve Lakhs) to the complainant in lieu of registering of a
land which has been already sold to someone else.

4. Learned counsel for the petitioner submits that the



petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the allegations as alleged in the complaint petition is false and fabricated and as per allegation in the complaint petition, the petitioner has transferred a piece of land which was already sold to Jai Prakash Yadav who happens to be the cousin of the present petitioner. Learned counsel for the petitioner further submits that from perusal of the sale deed it appears that the petitioner is only the identifier of the sale deed and he is not a beneficiary of the land in question.

5. Learned counsel for the Complaint as well as learned APP for the State has opposed the prayer for anticipatory bail of the petitioner and submits that the main culprit and in his instance co-accused has executed the sale deed in favour of the Complainant.

6. Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. VII, Kaimur at Bhabhua in connection with



Complaint Case No. 693 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) 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.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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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