

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74089 of 2023

Arising Out of PS. Case No.-486 Year-2019 Thana- BUXAR COMPLAINT CASE District-
Buxar

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Bharat Singh Son Of Ramdeo Singh Resident Of Village - Hariji Ke Hata,
Dumraon, P.S. - Dumraon, District - Buxar

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Smt. Laljhari Devi W/O. Nandji Yadav Resident Of Village And P.O. -
Barkha Rajpur, P.S. - Simri, District - Buxar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar, Advocate
For the Opposite Party/s	:	Mr. Nirmal Kumar Sinha, APP
For the Complainant	:	Mr. Akhilesh Kumar Pandey, Advocate
	:	Mr. Brij Mohan Das, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-02-2024 Heard Mr. Rajesh Kumar, learned counsel for the

petitioner, Mr. Akhilesh Kumar Pandey, learned counsel for the

complainant and Mr. Nirmal Kumar Sinha, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Complainant Case No. 486(C) of 2019, for the
offences punishable under Sections 420, 323 and 504 of the
Indian Penal Code.

3. According to prosecution case, accused persons
including the petitioner through Bank Transaction and cash
payment partly on different dates, for purchase of land @



14,84,000/- of 1.50 katha. It is alleged that Rs. 2,30,000/- has been refunded by the accused party but Rs. 12,54,000/- has not been paid up-till now.

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 an agreement for sale was executed between the complainant and the co-accused person including the petitioner for 1.50 katha of land and considering amount was of Rs. 14,84,000/-. He further submits that pursuant to that agreement for sale, the owner of the land in question has executed the sale deed in favour of the complainant. He further submits that although he has executed only 1.25 katha of land in place of 1.50 katha of land and after that the accused persons have returned the amount of Rs. 2,30,000/- to the complainant which she has accepted in her complaint petition. Hence, no case is made out against the petitioner under Section 420, 323 and 504 of the Indian Penal Code.

5. Learned counsel for the complainant 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 Annexure-P/3 is not the same land



which was subject matter of the Annexure-P/2 of the bail petition and the complainant has given the amount in the bank account of the petitioner.

6. Considering the aforesaid facts and circumstances and the fact that the petitioner having clean antecedent and as per the agreement for sale dated 05.03.2019, the owner of the land in question has executed the land in question to the complainant and the rest amount has already been returned to the complainant itself, 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 A.C.J.M.-IV, Buxar in connection with Complaint Case No. 486© 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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