

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72981 of 2024

Arising Out of PS. Case No.-116 Year-2023 Thana- PARSABAZAR District- Patna

Vinay Kumar Singh Son of Permeshwar Singh @ Rameshwar Singh Resident of Chakulia, Bajpeyee Nagar, Chakuliya, East Singhbhum, P.S. - Jharkhand A/P - Resident of Village - Dariyapur, Post - Mitanchak, P.S. - Parsa Bazar, District- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Deovind Kumar Singh, Advocate

For the Opposite Party/s : Ms.Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 17-10-2024 Heard Mr. Deovind Kumar Singh, learned counsel for the petitioner, Mr. Manoj Kumar, learned counsel for the informant beside the learned APP for the State.

2. The petitioner is in judicial custody in connection with Parsa Bazar P.S. Case No. 116 of 2023 for the offence punishable under Sections 420, 467, 468, 504, 120(B), 34 of the Indian Penal Code lodged on 02.03.2023 by the informant, Rajeev Ranjan Prasad.

3. As per the prosecution story, the informant alleged that through accused Lalmani Devi, he came in contact with the accused persons and there was an agreement for the sell of a particular piece of land for which an amount of Rs. 20 lac was given but neither the land was executed nor the amount



returned. Further, the petitioner upon 'Panchayat' held promised to return the amount by the year 2022 but again failed. Accordingly, left with no option, the FIR.

4. Learned counsel for the petitioner submits that due to misunderstanding, the deed could not be executed and he is/was always ready to pay the amount. It is his submission that subsequently, his financial condition deteriorated which forced him to delay the payment which he always wanted. Accordingly, it is his submission, on instruction from the petitioner that the amount can be paid in following manner:

(i) Rs.5,00,000/- (five lac) at the time of execution of bail bond, if bail is granted;

(ii) Rs. 3,00,000/- (three lac) each from December, 2024 till April, 2025 by 10th of every month which alongwith Rs. 5,00,000/- paid earlier will total Rs. 20,00,000/- (twenty lac);

(iii) failure to do so as undertaken, the Trial Court shall be free to take steps for cancellation of his bail



bond;

5. Though, learned counsel for the informant opposes the prayer, he submits that now the good sense has prevailed upon the petitioner and he is ready to pay the amount, is not opposing the bail.

6. Considering the aforesaid facts and appreciating the stand taken by the learned counsel for the petitioner, this Court is inclined to extend him the privilege of bail subject to the condition/payments as undertaken by the petitioner in the aforesaid paragraphs. Failure to do so, steps be taken for the cancellation of his bail bond.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Patna, in connection with Parsa Bazar P.S. Case No. 116 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his



bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the entire amount has to be paid by way of Bank Draft issued by the local branch of State Bank of India addressed to the informant, failure to do so/in case of default, the Trial Court shall take immediate step for cancellation of his bail bond.

(Rajiv Roy, J)

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