

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70581 of 2024

Arising Out of PS. Case No.-716 Year-2019 Thana- GAYA COMPLAINT CASE District-
Gaya

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Md. Hakim Mian S/o- Md. Kasim Mian Village- Chauari, P.S. Mohanpur,
District- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rajesh Kumar Sinha Son of Rajdeo Prasad Village- Chauari, P.S. Mohanpur,
District- Gaya

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Javed Aslam, Adv.
For the Opposite Party/s	:	Mr. Rajendra Nath Jha, APP
For the complainant	:	Mr. Kunwar Narain Jamuar, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 17-10-2024 Heard Mr. Javed Aslam, learned counsel for the

petitioner, learned APP for the State and Mr. Kunwar Narain

Jamuar, learned counsel for the complainant.

2. The petitioner is in judicial custody in connection
with Complaint Case No.716 of 2019 for the offences
punishable under Sections 323, 420 of the Indian Penal Code
lodged by the complainant, Rajesh Kumar Sinha.

3. As per the prosecution story, the informant alleged
that the accused person along with his brother, Md. Hashim met
the complainant with a proposal to sell a piece of land.
Accordingly, the payments were made in cash/cheque to the
tune of of Rs. 14,00,000/- (Fourteen Lacs) but only Md. Hashim
executed the deed relating to 1/3rd of the land and the other two



accused persons backtracked. Despite all the efforts, nothing happened and in between the accused persons also assaulted which followed the FIR.

4. Learned counsel for the petitioner submits that one of the brothers has already executed the sale-deed, due to some confusion/delay on the part of the complainant, the execution did not take place and now the matter is pending by way civil suit. He submits that he is ready to return Rs. 3,00,000/- (Rupees Three Lacs only) to the complainant by way of Demand Draft issued by State Bank of India. However, his submission is that he is in custody, there may be some problem in having the entire amount at one go and, as such, a prayer has been made that the payment be allowed to make in following manner:-

(i) Rs. 1,50,000/- (One lac fifty thousand) by way of Demand Draft issued by local State Bank of India in favour of complainant to be submitted at the time of execution of bail bond;

(ii) Rs. 50,000/-(Fifty thousand) each by the same method/way, the Demand Draft issued by State Bank of India issued in favour of complainant in three installments beginning November, 2024 and ending January, 2025 by 10th of every month.

(iii) failure to do so, the trial court shall be free to take steps for



cancellation of bail.

5. Learned counsel for the informant though opposed the prayer, submits that out of Rs. 14,00,000/-, he has to pay Rs. 4,00,000/-, but it is further submission that now that the petitioner is ready to pay Rs. 3,00,000/- by way of Demand Draft issued by State Bank of India in favour of complainant, he is not opposing the prayer for bail.

6. Considering the aforesaid submissions and in that background as also that the petitioner has remained in custody since 31.07.2024 (para-12 of the petition) and further he has got no criminal antecedent, this Court is inclined to extend him the privilege of bail, subject to payment as undertaken by the petitioner in aforesaid manner through his learned counsel and failure to do so, immediate steps shall be taken to cancel his bail bond.

7. Let the petitioner, above named, 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 Additional Chief Judicial Magistrate-1st, Sherghati, Gaya in connection with Complaint Case No.716 of 2019 subject to the following conditions:

(i) one of the bailors should be the family member 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.

(Rajiv Roy, J)

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