

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79451 of 2024

Arising Out of PS. Case No.-161 Year-2024 Thana- ASHTHAWAN District- Nalanda

Lambu Khan @ Tinku Khan @ Md. Istiyaque Khan S/o Mobin Khan @
Shahid Kalam Khan R/o vill - Kantapar, P.S. - Laheri, Distt.- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Adv.

Mr. Anish Kumar, Adv.

For the Opposite Party/s : Mr. Madhuri Lata, APP

For the informant : Mr. Raj Kishore Prasad, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 19-11-2024 Heard Mr. N.K. Agrawal, learned Senior counsel for
the petitioner duly assisted by Mr. Anish Kumar and Mr. Raj
Kishore Prasad for the informant.

2. The petitioner is in custody in connection with
Asthawan P.S. Case No. 161 of 2024 for the offence punishable
under sections 406, 420, 467, 468, 471 and 34 of the Indian
Penal Code lodged on 27.07.2024 by the informant, Santosh
Kumar.

3. As per the prosecution story, the informant alleged
that he was searching for commercial use of a land when
Jitendra Kumar came to his shop and informed that Anuj Kumar
has got the said land, this led to the agreement as also payment
of altogether Rs. 45,00,000/- to Anuj Kumar but though the



documents signed, the land never belonged to Anuj Kumar, which led to the present case as the informant felt cheated and there is/was reason to believe that with cheating in his mind, Anuj Kumar moved further in the matter.

4. Learned Senior counsel for the petitioner submits that admittedly, the entire payment has been made to Anuj Kumar and he being the signatory as a witness, received not a single penny but now stands implicated in the present case despite having no criminal antecedent and he is in custody since 27.08.2024 (para 4 of the petition).

5. Learned counsel for the informant, on the other hand submits that he was all through with Anuj Kumar and subsequently signed the document as a witness and thus it cannot be said that he had no knowledge about the alleged cheating by Anuj Kumar.

6. Facts are on record, the parties have made their respective submissions, admittedly, the entire payments have been made to Anuj Kumar who after showing a piece of land which never belonged to him, executed a deed and in the process, became richer by Rs. 45,00,000/-. So far as this petitioner is concerned, he admittedly, was a signatory as a witness and as such, cannot exonerate himself from the alleged



act of being a part of the said conspiracy. However, FIR has been lodged, he has remained in custody since 27.08.2024, has no criminal antecedent, shall be diligently appearing in trial as undertaken by learned Senior counsel, in this background, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned J.M.-1st Class, Nalanda at Biharshariff in connection with Asthawan P.S. Case No. 161 of 2024 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/her 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 appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) 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;

(v) 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)

Vijay Singh/-

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