

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83646 of 2023

Arising Out of PS. Case No.-971 Year-2022 Thana- BHOJPUR COMPLAINT CASE
District- Bhojpur

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Mrityunjay Kumar Son of Vijay Kumar Rai R/O Village- Ramnagar, P.S.-
Bihta, Dist.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar, Advocate
For the Opposite Party/s : Mr.Zainul Abedin, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 08-05-2024 Heard learned counsel appearing on behalf of the

petitioner and the learned APP for the State.

2. Petitioner seeks pre-arrest bail in connection with

Complaint Case No.971(C)2022 registered for the offences

punishable under Section 420 of the Indian Penal Code and

Section 138 of N.I. Act.

3. As per the allegation made in the FIR, the petitioner

made an agreement with the complainant to sale the land

bearing Khata No.15, Khesra No.30 and took Rs.3,50,000/- as

the earnest money from the complainant.

4. Learned counsel appearing on behalf of the

petitioner submitted that the petitioner is ready to return

Rs.3,50,000/- to the complainant within a period of six months



considering the fact that he has almost become bankrupt.
Petitioner has no criminal antecedent.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

6. Having considered the rival submissions made on behalf of the parties, as well as, considering the promise made by the petitioner that he will return the entire amount (Rs.3,50,000/-) to the complainant within a period of six months, the petitioner is granted **provisional bail** in connection with Complaint Case No.971(C)/2022, subject to conditions as laid down under Section 438(2) of the Cr.P.C. and the learned district court deems fit and proper.

7. In case, the petitioner returns the entire amount (Rs.3,50,000/-) to the complainant within the aforesaid period of six months, the provisional bail granted to the petitioner shall be made absolute subject to conditions as laid down under Section 438(2) of the Cr.P.C. and the learned district court deems fit and proper and in case of failure, this order shall lose its force.

8. The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in



paragraph No.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

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