

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86309 of 2023

Arising Out of PS. Case No.-439 Year-2023 Thana- MASAUDHI District- Patna

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AMIT KUMAR Son of Nawal Kishore Singh R/o vill - Rasalpur Bithiya,
Jehanabad, presently residing behind Krishna Mahila College, Jehanabad,
P.O. and P.s. - Jehanabad, Distt. - Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 29-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Masaurhi P.S. Case No. 439/2023 registered under Sections 420 and 406/34 of the Indian Penal Code lodged on 26.06.2023 by the informant, Akhileash Kumar Singh.

3. As per the prosecution story, the informant has alleged that he is proprietor of a firm which enters into agreement for development of the land. This petitioner also entered into an agreement for sale and in the course of time, he was paid Rs. 38,25,000/- but as the land was disputed, knowingly, the accused persons cheated him and accordingly, the FIR.



4. Learned counsel for the petitioner submits that he had no bad intention and having failed to execute the deed, he was always willing to pay the amount back. It is his further undertaking that he is ready to pay Rs. Rs. 38,25,000/- in following way:

(i) Rs. 10,00,000/- at the time of surrender/execution of bail bond through the demand draft issued by the local branch of State Bank of India to be submitted before the Court concerned so that the same is handed over to the informant;

(ii) Rs. 5,00,000/- per month to the informant beginning March, 2024 for next five months whereafter in the sixth month, he will pay rest of the amount i.e. Rs. 3,25,000/-.

5. Learned APP for the State opposes the prayer for bail stating that he has cheated the informant.

6. Taking into account the aforesaid submissions put forward by the parties as also that he do not have criminal antecedent, he is ready to return the amount, there is no purpose for putting him in jail, this Court is inclined to grant him privilege of bail subject to the undertaken as has been given by the petitioner.

7. Let the petitioner, in the event of arrest or surrender within a period of four weeks from the date of receipt of the



order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM, Masaurhi, Patna in connection with Masaurhi P.S. Case No. 439 of 2023, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member 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/her 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 his 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 the bail bonds;

(v) Failure to abide by the undertaking given and/or default in payment, the trial Court shall take steps for



cancellation of his bail bonds.

(Rajiv Roy, J)

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