

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1653 of 2024

Arising Out of PS. Case No.-1790 Year-2019 Thana- GAYA COMPLAINT CASE District-
Gaya

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Awadhesh Sharma S/O Late Shyam Narayan Sharma Resident Of Village-
House No 62, Road No 1, Friends Colony, Po -ASHIYANA Nagar, P.S.- Rajiv
Nagar, Distt- Patna

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Darpan Kumar S/O Jugaleshwar Sharma Resident Of Village- L-85,
Housing Board Colony, P.S. -RAMPUR, Distt -GAYA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Shantanu Kumar, Advocate
For the State	:	Mr. Umesh Lal Verma, APP
For the Informant	:	Mr. Sunil Kumar, Advocate
	:	Mrs. Neetu Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 09-04-2024 Heard Mr. Shantanu Kumar, learned counsel for the

petitioner, Mr. Sunil Kumar, learned counsel for the informant

as well as Mr. Umesh Lal Verma, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Complaint Case No. 1790 of 2019 for the
offences punishable under Section 420 of the Indian Penal
Code.

3. According to prosecution case, the allegation
against the petitioner that in the year 2008, an oral agreement
was done between the petitioner and informant to purchase the



land at Rs.30,00,000/- and in the year 2008 the complainant was given power of attorney. It also appears that some transactions were done by cheque and a huge amount of money was cheated by the petitioner and till now petitioner has not returned even a single rupee.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR in fact the petitioner was intended to sell the land in question which was allotted to him by the House Board to the complainant and for this purpose the petitioner has received Rs.21001/- in lieu of that thereafter the petitioner has received Rs. 20,000 on 27.02.2008, Rs. 1,74,000/- on 28.02.2008, Rs. 48,000/- on 16.03.2008 and Rs. 1,52,000/- on 18.03.2008 and altogether he has received Rs. 4,15,000/- (approximately) from the complainant. He further submits that it is admitted that the land in question belong to the Housing Board and without no objection certificate from the House Board, the petitioner cannot sell the land in question to the complainant and the petitioner is ready to return Rs. 4,15,000/- to the complainant.



5. Learned counsel for the Informant as well as learned Additional Public Prosecutor for the State, on the other hand have vehemently opposed the prayer for bail of the petitioner and submits that it appears that the intention of the petitioner is bad and he is not willing to sell out the land in question to the complainant.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gaya in connection with Complaint Case No. 1790 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioner shall produce a demand draft of Rs. 4,15,000/- (Four Lakhs Fifteen Thousand) in favour of the complainant, namely, Darpan Kumar and learned Court below is directed to handover the said demand draft to the complainant or his/her relatives at the time of furnishing the bail bond of the petitioner.



ii. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

iii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iv. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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