

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.901 of 2024

Arising Out of PS. Case No.-120 Year-2016 Thana- CHAPRA MUFFASIL District- Saran

Dinesh Sah @ Dinesh Kumar Sah s/o Late Ram Lal Sah, Resident of Village-
Jalalpur, P.S.- Chapra Muffasil, District- Saran at Chapra (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 09-04-2024 Heard Mr. Rakesh Kumar, the learned counsel for
the petitioner, the learned counsel for the informant and Mr.
Jagdhar Prasad, the learned Additional Public Prosecutor for the
State.

2. The petitioner is apprehending his arrest in
connection with Chapra Muffasil PS Case No. 120 of 2016, FIR
dated 23.03.2016, registered for the offences punishable under
Sections 420, 406, 467, 468 and 471 of the Indian Penal Code.

3. According to prosecution case, the ancestral
property of the complainant/informant and the petitioner was
acquired for construction of NH-19 and compensation Award
No. 13 and 17 of Rs. 12,21,143/- (Rupees twelve lakhs twenty-
one thousand one hundred and forty-three) and Rs. 1,21,862/-
(Rupees one lakh twenty-one thousand eight hundred and sixty



two) were received by the complainant and accused persons. It is further alleged that the accused persons after hatching conspiracy usurped the entire Award amount, which was credited in the joint account opened in the UCO Bank, Chapra opened in the name of complainant/informant and the petitioner.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case and the allegation levelled in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR, in fact, the family of the petitioner has received the compensation Award No. 13 and 17 and received Rs. 12,21,143/- (Rupees twelve lakhs twenty-one thousand one hundred and forty-three) from the Government and the petitioner and complainant/informant have withdrawn the amount from the bank in their joint signature. Learned counsel for the petitioner lastly submits that it appears from the complaint petition/FIR that date of alleged occurrence is on 27.12.2013, but the present FIR/complaint petition has been filed on 08.07.2015, after a delay of about twenty months.

5. The learned counsel for the complainant/informant on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that the complainant/informant is an



illiterate person and on the persuasion of the petitioner, he has signed the cheque and he has not received any amount.

6. Considering the aforesaid facts and circumstances and the fact that the petitioner has clean antecedent and there is a delay of about twenty months in the date of occurrence and the lodging of the FIR without giving explanation, let the petitioner, above-named, in the event of his arrest or surrender before the trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory 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, Saran at Chapra, where the case is pending in connection with **Chapra Muffasil PS Case No. 120 of 2016**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

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

(ii). 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.

(iii). And further condition that the trial Court 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 trial Court 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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