

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33280 of 2025

Arising Out of PS. Case No.-1019 Year-2023 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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Kumar Gaurav @ Kumar Gaurab son of Upendra Sah R/o near Medical
College Gate PS- Muffasil Distt- Katihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Vijay Mehta son of Late Shankar Mehta village- Gurubazar, Ps- Barari, Dist-
Katihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Anand Kumar, Advocate
For the Opposite Party/s	:	Mr. Shantanu Kumar, APP
For the Complainant	:	Mr. Suresh Pd. Sah @ Baranwal, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 11-07-2025 Heard Mr. Anand Kumar, learned counsel for the

petitioner, Mr. Suresh Pd. Sah @ Baranwal, learned counsel
appearing on behalf of the complainant as well as Mr. Shantanu
Kumar, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Complaint Case No. 1019 of 2023 for the
offences punishable under Sections 420 and 120B of the Indian
Penal Code.

3. According to prosecution case, this petitioner along
with other accused persons have received consideration amount
from the complainant for purchase of land but never executed
the sale deed in favour of him.



4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. Although the petitioner is named in the complaint petition but from perusal of the S.A. of the complainant it appears that the complainant has given the amount in question to the co-accused, namely, Ramesh Kumar Singh and Lalan Kumar Gupta and he has not stated anything about the petitioner in his S.A. which was recorded by the learned Court below.

5. The learned counsel appearing on behalf of the complainant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and submits that the petitioner along with other accused persons have received the amount in question from the complainant and not registered the land which was the subject matter of the present case. Apart from that the anticipatory bail of the co-accused, namely, Ramesh Kumar Singh has been rejected by this Court vide order dated 05.05.2025 passed in Cr. Misc. No. 90336 of 2024.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent and he has not received any single amount from the complainant, 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 Judicial Magistrate 1st Class, Katihar in connection with Complaint Case No. 1019 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. 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.

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 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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