

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78524 of 2024

Arising Out of PS. Case No.-388 Year-2019 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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Uma Shankar Singh S/o- Late Mukhan Singh Resident of Girdhariya P.S-
Shivsagar, Dist- Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar
2. Most. Motijhari Kunwar W/o- Late Jagnarayan Singh Moh- Nuranganj Po
Ps- Sasaram Town, Dist- Rohtas

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sadanand Roy, Advocate
For the Opposite Party/s	:	Mr. Binod Kumar, APP
For the Informant	:	Mr. Dhaneshwar Prasad Gupta, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 07-05-2025 Heard Mr. Sadanand Roy, learned counsel for the

petitioner, Mr. Dhaneshwar Prasad Gupta, learned counsel for

the Informant and Mr. Binod Kumar, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Complaint Case No. 388 of 2019, for the
offences punishable under Sections 406, 468 of the Indian Penal
Code.

3. As per the Complaint Petition, there was negotiation
of sale of the land in between the complainant and the petitioner
at Rs. 2,90,000/- (Rupees Two Lakh Ninety Thousand) for
which the complainant paid Rs. 2,80,000/-(Rupees Two Lakh



Eighty Thousand) to the petitioner but he did not executed the sale deed and did not returned the deposited money.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. From bare perusal of the complaint petition it transpires that the complainant has paid Rs. 1,80,000 (Rupees One Lakh Eighty Thousand) to the petitioner and Rs. 1 lakh to the son of the petitioner.

5. Learned counsel for the petitioner on instructions submits that petitioner has received Rs.1,80,000 (Rupees One Lakh Eighty Thousand) and he is ready to pay the aforesaid amount to the complainant in five equal installments.

6. The learned Additional Public Prosecutor and learned counsel for the Informant have vehemently opposed the prayer for bail of the petitioner.

7. 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 Judicial Magistrate, 1st Class, Sararam (Rohtas) in connection



with Complaint Case No. 388 of 2019, 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. At the time of furnishing bail bond, the petitioner shall produce a demand draft of Rs. 36,000/- (Rs. Thirty Six Thousand) in favour of the complaint and learned court below is directed to hand over the demand draft to the complainant or his representative and rest amount of Rs. 1,44,000/- (Rs. One Lakh Forty Four Thousand) shall be paid to the complainant in four equal installments starting from June 2025. If the petitioner fails to deposit the rest amount of Rs. Rs. 1,44,000/- (Rs. One Lakh Forty Four Thousand) to the complainant, the complainant shall be at liberty to move before the appropriate forum for cancellation of bail bond of the petitioners.

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 bond 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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