

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78971 of 2024

Arising Out of PS. Case No.-1752 Year-2022 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Chandra Shekhar Gupta @ Chandra Shekhat Gupta S/o Late Shivjee Prasad
Gupta Resident of Village - Kashipur, Ward No 12, PS- Samastipur Town,
Dist- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ajay Giri S/o Ramakant Giri R/o vill - Bhojpur, P.S. - Sarairanjan, Distt. -
Samastipur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raja Ram Mishra, Advocate
For the Opposite Party/s : Mr. Narsingh Tanti, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 01-05-2025 Heard Mr. Raja Ram Mishra, learned counsel for the

petitioner and Mr. Narsingh Tanti, learned Additional Public

Prosecutor for the State.

2. Despite of valid service of notice upon Opposite
Party No.2, no one appeared on behalf of Opposite Party No.2.

3. The petitioner is apprehending his arrest in
connection with C.R. No. 1752 of 2022 for the offences
punishable under Sections 420, 406 of Indian Penal Code.

4. As per the First Information Report, complainant
alleged that he approached the petitioner to purchase the land



bearing Khata no.1, Khesra no.3, area 10 Dhur 10 Dismil with total cost of Rs. 25,00,000/-(Rupees Twenty Five Lakh). Thereafter, an agreement was made between the parties and complainant paid Rs. 5,50,000/-(Rupees Five Lakh Fifty Thousand) to the petitioner. Later on, when the complainant came to know that the land in question was disputed, he denied to take the land and demanded his amount. On 12.07.2022 the petitioner gave cheque of Rs. 5,00,000/-(Rupees Five Lakh) to complainant but the cheque bounced due to insufficient fund.

5. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. The petitioner has not committed any offence as alleged in the FIR. The petitioner had paid Rs. 2,00,000/-(Rupees Two Lakh) in the bank account of the complainant on 22.11.2023 and apart from that the petitioner is ready to settle the dispute with the complainant but the complainant he has not come before this Court.

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

7. Considering the aforesaid facts and circumstances, the petitioner has clean antecedent and he has already returned Rs. 2,00,000/-(Rupees Two Lakh) to the complainant and he is



ready to settle the dispute, 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 A.C.J.M-II, Samastipur in connection with C.R. No. 1752 of 2022, 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 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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