

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.81322 of 2024**

Arising Out of PS. Case No.-11373 Year-2023 Thana- PATNA COMPLAINT CASE District-  
Patna

=====

Md. Kamaluddin S/o- Late Abdul Halim Ward No 7, Akbarpur, Chainpur,  
Kathara, Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. Surendra Kumar S/o- Late Brahamadev Singh R/o- Lodipur Daniyalpur Ps-  
Khushrupur Dist- Patna

... .. Opposite Party/s

=====

**Appearance :**

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

For the Opposite Party/s : Mr. Upendra Kumar, APP

=====

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

3      17-04-2025                      Despite of entered appearance through Vakalatnama,  
no one appears on behalf of Opposite Party No. 2.

2. Heard Mr. Deepak Kumar, learned counsel for the  
petitioner and Mr. Upendra Kumar, learned APP for the State.

3. The petitioner is apprehending his arrest in  
connection with Complaint Case No. 11373 C of 2023, dated  
14.12.2023 registered for the offences punishable under  
Sections 420, 467, 468 and 471 of the Indian Penal Code.

4. Allegation against the petitioner is of committing  
fraud and forgery with the complainant.

5. Learned counsel for the petitioner submits that the  
petitioner has clean antecedent and he has been falsely



implicated in the present case. He further submits that the allegation as alleged in the complaint petition is false and fabricated and the petitioner has not committed any offence as alleged in the complaint petition. In fact, the complainant had already filed a Title Suit bearing Title Suit No. 343 of 2023 against the petitioner for the same set of land which is subject matter of the present case.

6. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

7. Considering the facts and circumstances of the case and the fact that the petitioner having clean antecedent and the Title Suit is pending for the same set of land as well as despite of entered appearance through Vakalatnama, no one appears on behalf of Opposite Party No 2, let the petitioner, above named, in the event of his 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1<sup>st</sup> Class, Court No. 15, Patna in connection with Complaint Case No. 11373C of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal



Procedure/ Section 482(2) of BNSS, 2023 and with other following conditions :-

(1) 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.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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)**

Ibrar//-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

