

IN THE HIGH COURT OF JHARKHAND AT RANCHI

B. A. No. 4790 of 2019

Abhay Kumar Kushwaha ... ... Petitioner  
Versus  
The State of Jharkhand. ... ... Opp. Party

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CORAM: HON'BLE MRS. JUSTICE ANUBHA RAWAT CHOUDHARY  
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For the Petitioner : Mr. Rahul Kumar, Advocate  
For the Opp. Party : None

02/28.05.2019:

1. Heard Mr. Rahul Kumar, counsel appearing on behalf of the petitioner.
2. Nobody appears on behalf of Opposite Party.
3. This application for regular bail has been filed by the petitioner in connection with Gola P.S. Case No. 79/2017 corresponding to G.R. No. 892/2017 registered under Sections 406/420/34 of the Indian Penal Code, now pending before the learned Judicial Magistrate, 1<sup>st</sup> Class, Ramgarh.
4. Counsel for the petitioner submits that the petitioner and other similarly placed co-accused had ultimately moved before the Hon'ble Supreme Court in connection with anticipatory bail. He submits that all the other co-accused persons who are the brothers of the petitioner and executants of the agreement involved in this case, were granted anticipatory bail except the petitioner on the ground that there are criminal antecedents against the petitioner. The petitioner was directed to surrender before the trial court within a period of one week and was directed to apply for regular bail, if so advised. He further submits that the petitioner in compliance of the order passed by the Hon'ble Supreme Court duly surrendered before the learned court below and is in judicial custody since 14.04.2019.
5. The counsel for the petitioner submits that so far as the merit of the case is concerned, the matter arises out of an agreement for sale in connection with property. He submits that as per the case of the petitioner, Rs. 20,00,000/- was paid to the

petitioner and other co-accused as advance in connection with the property, out of that, as per the case of the petitioner Rs. 14,00,000/- was already returned and they are still willing to return the remaining Rs. 6,00,000/-. He submits that the informant is not ready to accept remaining Rs. 6,00,000/- and the petitioner is ready to deposit the same before the learned court below, subject to the final result of the case.

6. Considering the fact that the entire dispute in this case arises out of agreement of sale in connection with immovable property as such the petitioner is directed to be released on bail upon 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, Ramgarh in connection with Gola P.S. Case No. 79/2017 corresponding to G.R. No. 892/2017 on the following conditions: -

- (i) Both the bailers should be close relatives of the petitioner.
- (ii) The petitioner shall appear before the learned court below on each and every date and on account of even single default, his bail bond will be cancelled by the learned court below.
- (iii) and deposit of Rs. 6,00,000 within a period of two weeks from today and will be released only after deposit of the amount. The amount may be directed to be kept in interest bearing account by the learned court below at the request of the petitioner.

7. The petitioner is further directed to fully cooperate with the investigation and further proceedings before the learned court below.

8. The instant bail application is allowed with the aforesaid conditions.

**(Anubha Rawat Choudhary, J.)**

*Mukul*