

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.9520 of 2015**

Arising Out of PS.Case No. -447 Year- 2014 Thana -MUZAFFARPUR SADAR District-  
MUZAFFARPUR

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Aswani Kumar Thakur son of Shri Yoshadanand Thakur, resident of  
village- Madhubani, P.S. - Sadar, District - Muzaffarpur.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ranjeet Kumar Singh

For the State : None

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR**  
**SINGH**  
ORAL ORDER

3 30-07-2015

Heard learned counsel for the petitioner. None appears  
on behalf of the State.

The petitioners seek anticipatory bail in connection with  
Sadar P.S. Case No.447 of 2014 registered for the offences  
punishable under sections 323, 406, 420, 467, 468, 471 and 120-B  
read with 34 of the Indian Penal Code.

It is contended that initially a complaint was filed which  
was referred to the police pursuant to which the present FIR has been  
instituted. The prosecution case as alleged in the FIR is that the  
informant gave rupees thirty lakhs to the petitioner as advance for  
purchase of a piece of plot. Later on, the petitioner refused to execute  
the sale deed. Learned counsel for the petitioner submits that the  
entire allegations are false and concocted. Save and except ocular  
allegation, there is no other material to support the allegations made

in the complaint. The dispute, if any, is of civil nature. Moreover, he submits that even if the entire allegations are believed to be true, the same would not attract the ingredients of the offences alleged in view of law laid down by the Supreme Court in *Murari Lal Gupta vs. Gopi Singh*, [(2006) 2 SCC (Cri) 430].

Learned counsel for the informant has vehemently opposed the prayer for bail. He has submitted that though a *Mahadnama* was executed by the petitioner after receiving rupees thirty lakhs in cash, he has refused to execute the sale deed in favour of the informant. He further contended that the petitioner has misappropriated the amount and cheated the informant.

Be that as it may, regard being had to the facts and circumstances of the case, in the event of arrest or surrender within a period of four weeks from today, let the above named petitioner 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 learned Chief Judicial Magistrate, Muzaffarpur in connection with Sadar P.S. Case No.447 of 2014 subject to the conditions as laid down under section 438(2) Cr.P.C.

**(Ashwani Kumar Singh, J)**

Md.S./-

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