

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57910 of 2018

Arising Out of PS. Case No.-481 Year-2018 Thana- BETTIAH CITY District- West
Champaran

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Dhruv Prasad, Son of Late Dashrath Prasad, Resident of Village Sariswa,
Police Station- Majhauriya, District- West Champaran Presently residing at
Mohalla- New Bus stand, Police Station- Bettiah Town, District- West
Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No.-7, Adv.

For the Opposite Party/s : Mr. Sri Nityanand, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-09-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 406 and 420 of the
Indian Penal Code.

The prosecution case got initiated on the basis of written
report dated 06.06.2018 submitted by one Abdul Hannan Aasif
to the Station House Officer, Bettiah Town, Police Station to
the effect that on 09.03.2018, the petitioner came to the shop of
the informant and offered to sell his land for Rs.87,00,000/-. The
petitioner took Rs. 22,00,000/- from the informant and
Rs.65,00,000/- was agreed to be paid at the time of getting the



sale deed registered. Subsequently, the land in question was sold by some other person. Though, on complaint being made, the petitioner agreed to return Rs.22,00,000/-, but he did not return the same.

It is submitted by learned counsel for the petitioner that there is no proof with regard to the payment, as the payment is alleged to have been made in cash. The petitioner is not signatory to the agreement nor the petitioner has transferred the land in question. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned APP for the State that the accusation is specific against the petitioner.

Considering the fact that the written report does not suggest any proof with regard to transfer of such a huge amount in cash in favour of the petitioner and there is no agreement suggesting the fact that the petitioner entered into any agreement to sell the land in question in favour of the informant, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the



learned Court below within a period of 12 weeks from today,
on furnishing bail bond of Rs.10,000/- (ten thousand) with two
sureties of the like amount each to the satisfaction of the learned
CJM, Bettiah, West Champaran, in connection with Bettiah
Town P.S. Case No.481 of 2018, subject to the conditions as laid
down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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