

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3095 of 2019

Arising Out of PS. Case No.-759 Year-2017 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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Manjee Paswan, Male, aged about 30 years, Son of Ramashish Paswan,
Resident of Vill- Kochas, P.S.- Kochas, District- Rohtas.

... .. Petitioner/s

Versus

1. The State Of Bihar and Anr Bihar.
2. Sandhya Kuer, Female, aged about 36 years, Wife of Late Dinanath Rai,
resident of vill- Pachodihai, PO and PS.- Dinara Distt. Rohtas at present
residing at Kochas Gandhi Nagar, PO and PS- Kochas, Rohtas.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Pandey
For the Opposite Party/s : Mr.Tapeshwar Sharma

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-02-2019 Heard learned counsels for the petitioner and the

State.

The petitioner is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offence punishable under Section 406 of the IPC.

The prosecution case, as per the complaint petition is that the father of the complainant, namely, Niwas Rai, entered into an agreement for purchase of a land from co-accused, Nitish Pandey. Subsequently, the father of the complainant paid Rs. 1,06,000/- to co-accused, Nitish Pandey, who gave a receiving on non-judicial stamp paper, but he failed to execute the sale



deed for the land in question. It is alleged against the petitioner that he was the broker in the said deal.

It is submitted by learned counsel for the petitioner that agreement to sale was executed between co-accused, Nitish Pandey and Niwas Rai and payment was also made by Niwas Rai, but the present complaint has been filed by the daughter of Niwas Rai, namely, Sandhya Kunwar. It is further submitted that thrust of accusation is against co-accused, Nitish Pandey, who received money as consideration amount for the sale of 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.

Learned APP submits that the petitioner played the role of middle man.

Considering the fact that the petitioner is not the party to the agreement of sale, nor has the payment been made to the petitioner, coupled with the 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/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of



learned ACJM-I, Sasaram, Rohtas in connection with Complaint
Case No. 759 of 2017, subject to the condition as laid down
under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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