

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6981 of 2019

Arising Out of PS. Case No.-285 Year-2018 Thana- KHAGAUL District- Patna

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Amit Paswan, Male, aged about 27 years, Son of Umesh Paswan, Resident of Village-Rampur, Devi Asthan, P.S-Khagaul, Distt.-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raj Dular Sah

For the Opposite Party/s : Mr.Ram Sumiran Rai

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 07-02-2019 Heard learned counsels for the petitioner, informant and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 420, 406, 504 and 506/34 of the IPC.

The prosecution case, as per the written report of Viveka Nand Jha, dated 14.10.2018, submitted to the Station House Officer, Khagaul Police Station, is to the effect that the informant entered into an agreement with co-accused, Umesh Paswan, who is the father of the petitioner, with regard to purchase of a piece of land. Consequently, the informant gave Rs. 10,05,000/- to co-accused Umesh Paswan, as consideration amount for the land in question, but subsequently, he failed to execute the sale deed. It is further alleged that when the informant demanded his money back, then the informant issued



three cheques of Rs. 3,00,000/-, Rs. 3,50,000/- and Rs. 3,50,000/- respectively, out of which, only one cheque of Rs. 3,00,000/- was encashed and rest of two cheques got bounced. It is further alleged that on 09.10.2018 at 8.30 A.M., the informant along with one Braj Mohan Jha went to the house of co-accused, Umesh Paswan where he was abused and assaulted by co-accused Umesh Paswan and the petitioner.

It is submitted by learned counsel for the petitioner that as per the FIR, the agreement was entered into between the informant and father of the petitioner, Umesh Paswan. The cheques were issued by co-accused, Umesh Paswan and all the times, there is specific case of the informant that he gave all the money to co-accused Umesh Paswan.

Learned counsel for the informant submits that on the back of the agreement, there is signature of the petitioner also.

Considering the fact that case of the informant, as per the FIR is that agreement was entered into between the informant and co-accused Umesh Paswan, money was given to co-accused Umesh Paswan and cheques were issued by co-accused Umesh Paswan, 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 Addl. Chief Judicial Magistrate-V, Danapur, Patna in connection with Khagaul P.S. Case No. 285 of 2018, 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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