

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11438 of 2019

Arising Out of PS. Case No.-120 Year-2018 Thana- KHARIK District- Bhagalpur

DAYANAND YADAV Son of Late Bhikhari Yadav Resident of Village -
Ratanpura, P.S.- Kharik, Distt - Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Yadav

For the Opposite Party/s : Mr.Rajendra Prasad Nat

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 27-09-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Kharik Police Station Case No. 120 of 2018, disclosing offences under Sections 420/120-B/467/468/323/34 of the Indian Penal Code.

The allegation against the petitioner is that the petitioner, along with other accused persons, approached the informant and persuaded him to purchase a piece of land from co-accused Amrit Kumar. It has further been alleged that co-accused Amrit Kumar executed a sale deed of the land in question in favour of the informant for a total consideration amount of Rs. 12,00,000/- and when the informant moved the authority for mutation of the land in question, he came to know



that the said land has already been sold by said Amrit Kumar in favour of someone else.

Learned Counsel for the petitioner submits that from perusal of the First Information Report, it would be evident that the owner of the land in question was co-accused Amrit Kumar, who received the entire consideration amount to the tune of Rs. 12,00,000/- from the informant and only the name of the petitioner has been included in the First Information Report and no amount was ever handed over to the petitioner by the informant. He further submits that similarly situated co-accused person, Awadh Kumar @ Awadhesh Kumar, has been granted bail by this Court by order, dated 03.10.2018, passed in Criminal Misc. No. 60981 of 2018.

After having heard learned Counsel for the parties concerned and taking into consideration the fact that the entire consideration amount was received by co-accused Amrit Kumar by the informant and similarly situated co-accused has been granted anticipatory bail by this Court, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, Dayanand Yadav, in the event of his arrest or surrender before the Court below within four weeks, 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 1st Additional Chief Judicial Magistrate, Naugachia, Bhagalpur, in connection with Kharik Police Station Case No. 120 of 2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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