

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19105 of 2019

Arising Out of PS. Case No.-359 Year-2017 Thana- MITHANPURA District- Muzaffarpur

ANJIT KUMAR Son of Dev Narayan Saw Resident of Mohalla - Brahampura
Desh Sevak Marg, P.S.- Brahampura, Distt - Muzaffarpur.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Suraj Prakash, Son of Sri Narayan Sah Resident of Mohalla - Harishabha
Chawk, P.S.- Mithanpura, Distt - Muzaffarpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Nitu Kumari

For the Opposite Party/s : Mr.Uday Pratap Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

7 31-07-2019 The petitioner apprehends his arrest in connection with

Mithanpura P. S. Case No. 359 of 2017 (Complaint Case No.

2133 of 2017) registered under Sections 406, 409, 420, 467,

468, 471, 472/34 and 120B of the Indian Penal Code.

Allegation against the petitioner, as per complaint/FIR, is

that petitioner represented the complainant/informant to

purchase a piece of land situated in Khata no. 343, New Khesra

No. 503 Area 968 Sq. Ft., and a pucca shop has been

constructed on 11 dhurs of the land at Muzaffarpur. As per

representation of the petitioner, the complainant entered into a

registered agreement for sale for a total consideration amount of

Rs. 60 lacs along with two other proposed purchasers. It has



further been alleged that a sum of Rs. 5 lacs was paid by the complainant and others to the petitioner by way of advance for purchase of the said land, however, upon verification, it was found that land/shop in question was disputed and proposed vendor was not having title upon the same.

Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and has falsely been implicated in this case, however, he submits that he is ready to refund a sum of Rs. 5 lacs in favour of complainant and others within a period of four weeks. Learned counsel further submits that a bank draft of Rs. 5 lacs shall be prepared in the name of three purchasers, as mentioned in the agreement for sale within said period.

The offer made by the petitioner has been accepted by learned counsel appearing on behalf of the O.P.No. 2 without prejudice to the rights and contention.

In view of the aforesaid, I am inclined to grant privilege of anticipatory bail to the petitioner subject to condition that amount of Rs. 5 lacs shall be paid within a period of four weeks in favour of respective proposed purchasers, as agreed by the petitioner.

Let the petitioner, above-named, in the event of arrest or



surrender before the court below within a period of four weeks from the date of receipt of a copy of this order, be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned SDJM (East) Muzaffarpur in connection with Mithanpura P.S. Case No. 359 of 2017(Complaint Case No. 2133 of 2017); subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

It is made clear that at the time of surrender, petitioner will attach photocopy of the bank draft of Rs. 5 lacs along with acknowledgment receipt granted by the complainant and others before the court below.

(Anil Kumar Sinha, J)

sujit/-

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