

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5445 of 2019

Arising Out of PS. Case No.-214 Year-2018 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Dilip Kumar Sharma S/o Late Huro Mistri, Resident of village-Magardahi
Kharidabad, P.S.-Muffasil, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar Singh, Adv

For the Opposite Party/s : Mr. Satyendra Narayan Singh, Adv

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-02-2019 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, 420, 467, 468,
471, 120B and 34 of the Indian Penal Code.

The prosecution case as per the written report of Chandra
Madhav Prasad Singh dated 20.04.2018 submitted to SHO,
Samastipur (Muffasil) Police Station is to the effect that on
04.05.2016, the informant purchased a land appertaining to
Khata No. 11, Plot No. 96, measuring 2 Katha and 10 Dhur,
situated in Mauza- Mohanpur, District-Samastipur from co-
accused, Babulal Rai and Pintu Rai at the rate of Twelve Lakh
per Katha, total amounting to Rupees Thirty Lakh, which was



paid by the informant to the petitioner. It is further alleged that when the informant went to take possession of the land in question then he found that the said land in question is not in the name of co-accused Babulal Rai and Pintu Rai and he has been cheated.

It is submitted by learned counsel for the petitioner that the sale agreement was between the co-accused Babulal Rai and Pintu Rai and the informant and admittedly money was paid to the co-accused Babulal Rai and Pintu Rai. It is further submitted that from the impugned order, it appears that informant entered into a compromise with the co-accused Babulal Rai and Pintu Rai and they have been granted bail by the learned Court below. 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 counsel for the informant that it is the petitioner, who persuaded the informant to purchase the land in question, as a result, he has been misled and cheated by the co-accused Babulal Rai and Pintu Rai.

Considering the fact that thrust of accusation is against co-accused Babulal Rai and Pintu Rai, with whom the informant entered into a compromise moreover the petitioner is not a party in the sale agreement, 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 **ACJM-Vth, Samstipur** in connection with **Samastipur (Muffasil) P.S. Case No. 214 of 2018**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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