

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8741 of 2020

Arising Out of PS. Case No.-505 Year-2019 Thana- BIHARSHARIF District- Nalanda

Sunil Kumar @ Sunil Kumar Gupta S/o Gyan Lal Gupta R/o village- Gosail
Math Gali, P.O.- Amber, P.S.- Bihar, District- Nalanda

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Dipak Kumar, Adv.

For the Opposite Party : Mr.Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 28-02-2020 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner apprehends his arrest in connection
with Bihar P.S. Case No. - 505 of 2019 for the offence
punishable under Sections 406/420/34 of the Indian Penal
Code.

The allegation is regarding the co-accused person,
namely, Ravindra Kumar having taken a sum of Rs. 1.25 crores
from the informant for the purposes of executing a sale deed in
favour of the informant with regard to the land in question,
whereafter, an agreement to sell was also entered into between
the informant and the said Ravindra Kumar. It is further alleged
that as far as the petitioner is concerned, he is stated to be one of
the witness to the said agreement.



The learned counsel for the petitioner has submitted that the petitioner is innocent and he has not received even a single penny whereas the fact is that the main accused, namely, Ravindra Kumar had taken a sum of Rs. 1.25 crores from the informant, whereupon, it appears that he had failed to get the sale deed registered in favour of the informant and upon pressure being put on the said co-accused Ravindra Kumar, he is stated to have returned a sum of Rs. 45,30,000/- to the informant. The learned counsel for the petitioner has referred to an order dated 09.12.2019 passed by the 3rd Additional District and Sessions Judge, Nalanda at Biharsharif, which has been passed on the anticipatory bail petition filed by the said co-accused person, namely, Ravindra Kumar bearing Anticipatory Bail Petition No. 2193 of 2019 to show that the said Ravindra Kumar had contended before the learned Trial Court that only a sum of Rs. 30 lacs was remaining to be paid to the informant which he is ready to pay. However, a bare perusal of the said order dated 09.12.2019 would show that some dispute had arisen with regard to the actual payment made to the informant by the said co-accused Ravindra Kumar, hence, the anticipatory bail petition of the said co-accused Ravindra Kumar was rejected by the learned court below. It is thus submitted that a



bare perusal of the aforesaid order dated 09.12.2019, whereby and whereunder the Anticipatory Bail Petition of the main accused Ravindra Kumar has been rejected as also that of the impugned order of the present case, would demonstrate that the entire money was taken by the co-accused person, namely, Ravindra Kumar and some part of the same has been returned to the informant, hence, the balance amount is required to be refunded by the said main accused, namely, Ravindra Kumar. It is thus submitted that the petitioner is having no complicity in the matter and has become a victim of circumstance. It is further submitted that the petitioner is having a clean antecedent and is having deep roots in the society and undertakes not to flee away, either from the ensuing investigation or trial, if any.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender in the court below within a period of four weeks from today, the petitioner above named is directed to be released on anticipatory bail on furnishing bail-bonds of Rs. 10,000/- with two sureties of the like amount to the satisfaction of learned Chief Judicial



Magistrate, Nalanda, Bihar Sharif with Bihar P.S. Case No. 505 of
2019, subject to the conditions laid down under Section 438(2)
of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

K.K.RAO/-

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