

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46167 of 2019

Arising Out of PS. Case No.-89 Year-2019 Thana- DANAPUR District- Patna

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BADRI NATH SINGH Son of Late Dinanath Singh Resident of Village -
Anand Bazar, Bangla No.86, P.o.- Danapur Cantt., P.S.- Danapur, Dist.- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Ugranath Mallik, Adv.

For the Opposite Party/s : Mr.Zainul Abedin, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

8 19-02-2020 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection
with Danapur P.S. Case No. 89 of 2019, registered for the
offence punishable under sections 355, 420, 406 and 504 of the
Indian Penal Code.

As per allegation in the F.I.R., the informant had
entered into an agreement for sale for a piece of his land with
one Noni Devi and received an advance of Rs. 2,00,000/-. It is
stated that the petitioner asked for a help of Rs. 5,00,000/-. It is
stated that as a result of his friendship, the said amount was
given by the informant in presence of the witnesses on



29.09.2018 and the accused persons gave documents with respect to a piece of land belonging to him stating that in case the amount was not returned, he would execute a sale deed in favour of the informant. Thereafter, it is stated that the amount was neither returned nor the sale deed was executed and, in fact, it was executed in favour of a stranger. On informant going to the house of accused, he refused to return the amount and instead started to abuse.

It is submitted by learned counsel for the petitioner that the allegations as levelled in the FIR are false and concocted and, in fact, prior to the filing of the complaint on 22.01.2019, on 09.01.2019 itself, the petitioner had lodged an FIR which was registered as Danapur P.S. Case No. 39 of 2019 about the threat having been given by the informant of lodging a case for implicating him with allegation of demand of rangdaari of Rs. 10,00,000/-. It is further submitted that the nature of the allegation is purely of civil dispute and that the informant has lodged the case to pressurize him with false averments.

It is submitted by learned counsel for the informant that from perusal of the contents of the FIR at Annexure-2 lodged by the petitioner, it would transpire that while the



allegation therein was that he would be implicated by the informant of the instant case for a demand of Rs. 10,00,000/- whereas, the instant FIR has been lodged with correct facts mentioning about a loan of Rs. 5,00,000/-. It is further submitted that the complainant is in possession of the photocopy of the sale deed, which is mentioned in paragraph-4 of the complaint, from which it is evident that the accused persons had, in fact, given the documents on the assurance that in case, he is not able to return the amount, he would execute a registered sale deed. It is finally submitted that it is not a fit case for grant of anticipatory bail as on the face of the allegation, offence under sections 420 and 406 of the IPC are made out.

Having heard learned counsel for the parties, in the facts and circumstances of the case and taking into consideration the nature of allegation of paying advance of money on assurance to execute the sale deed in case the same is not returned, this Court is inclined to enlarge the petitioner on bail. Petitioner is directed to surrender in the Court below within a period of six weeks from today and in the event of his arrest or surrender, he shall be enlarged 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 Additional
Chief Judicial Magistrate-I, Danapur in connection with
Danapur P.S. Case No. 89 of 2019, subject to the condition as
laid down under section 438(2) of the Cr.P.C.

(Partha Sarthy, J)

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