

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12752 of 2021

Arising Out of PS. Case No.-126 Year-2020 Thana- RUPASPUR District- Patna

BIJENDRA KUMAR @ BIJAINDRA KUMAR S/o LATE KAUSHAL
KUMAR KESHRI @ KAUSHAL KUMAR Resident of Tahaltola Dhanaut,
P.O.- Sahay Nagar Dhanaut, P.S.- Rupaspur, Distt- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar Prasad Singh, Adv.
For the Opposite Party/s : Mr.Bipin Kumar
Mr.Gauri Shankar Gupta

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 22-12-2021 Heard learned counsel for the petitioner, learned counsel
for the informant and learned APP for the State.

The petitioner apprehends his arrest in a case in connection with Rupaspur P.S. Case No.126 of 2020, arising out of Complaint Case No.1416(C) of 2018, registered for the offence punishable under Sections 406, 420, 323, 504, 120(B) of the IPC.

Allegation against the petitioner is that his mother took Rs.15,00,000/- as advance money from the complainant/informant for executing sale deed of a land but due to some dispute, petitioner returned Rs.13,00,000/- to informant and rest Rs. Two lakhs was not returned. It is alleged that when the complainant demanded the said amount, petitioner assaulted



him and threatened to kill.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. The complainant entered into agreement with the mother of the petitioner for purchase of land and then violated the agreement and did not paid the entire amount and refused to purchase the land without any reasons. It is submitted that the petitioner has returned the entire amount but false case was registered in order to harass him. The complainant himself violated the agreement as could not arrange the entire agreed amount. Petitioner has no criminal antecedent, which is also mentioned in para-3 of the anticipatory bail application.

Learned APP for the State and learned counsel for the informant opposed the prayer for bail by submitting that the petitioner has not even failed to pay the rest amount of Rs.Two lakhs but has also assaulted the informant/complainant.

Having regard to the facts and circumstances of the case, since this matter is of civil nature, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like



amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Rupaspur P.S. Case No.126 of 2020, arising out of Complaint Case No.1416(C) of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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