

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28553 of 2020

Arising Out of PS. Case No.-1945 Year-2018 Thana- MUZZFARPUR COMPLAINT CASE
District- Muzaffarpur

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MANISH KUMAR Son of Late Upendra Bihari Sinha Resident of Village-
Jai Prakash Nagar, Koluha, Paigamberpur, P.S.- Ahiyarpur, District-
Muzaffarpur. Petitioner

Versus

1. THE SATTE OF BIHAR
 2. Sanjay Prasad Sah Son of Late Mathura Sah Resident of Village- Gyaspur,
P.O. Gyaspur, P.S.- Paroo, District- Muzafarpur.
- Opposite Parties

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Appearance :

For the Petitioner/s : Mr.Y.C.Verma,Senior Advocate
Mr.Ansul,Advocate
For the Opposite Party/s : Mr.Nagendra Prasad,APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 20-01-2021 Heard learned Senior Counsel for the petitioner and
learned APP for the State.

The petitioner in the present case is seeking pre-arrest bail
in connection with Complaint Case No. 1945 of 2018 corresponding
to Trial No. 348 of 2019 registered for the offences punishable under
Sections 406, 420, 120(B) of the Indian Penal Code.

Learned Senior Counsel for the petitioner submits that the
complainant alleged that he entered into an agreement with the
petitioner for purchase of land for which he paid consideration
money to the petitioner but the petitioner started evading to execute
sale deed after lapse of stipulated period.

Learned Senior Counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the present
case. It is submitted that it is purely a civil dispute and this case has



been lodged for recovery of money which has allegedly been paid under an agreement for purchase of land. The petitioner denies his signature on the alleged agreement.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

Having regard to the facts and circumstances of the case, wherein learned Senior Counsel for the petitioner has submitted that it is a case of civil dispute relating to transaction of land and this case seems to have been lodged for purpose of recovery of money which is disputed, there being no opposition on behalf of the complaint-O.P. No. 2 despite service of notice upon him, let in case of his arrest or surrender the petitioner above-named within a period of four weeks from today in connection with Complaint Case No. 1945 of 2018 corresponding to Trial No. 348 of 2019 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned J.M. 2nd Class, Muzaffarpur, subject to the condition as laid down under Section 438(2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;



(iii) a condition that the person shall not leave India without the previous permission of the Court.

And further condition that the court below shall verify the criminal antecedents of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application is allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

