

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36368 of 2020

Arising Out of PS. Case No.-394 Year-2020 Thana- RANIGANJ District- Araria

RAJESH KUMAR @ RAJESH MAHTO Son of Late Sadanand Mahto
Resident of Bistoria, P.S.- Araria, District- Araria Presently residing at
Village- Rani Ganj, Ward No.06, P.S.- Raniganj, District- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kalanand Singh S/o- Udayanand Singh R/o Village- Hasanpur, Ward No.-16,
P.S.- Raniganj, District- Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimal Kumar
For the Opposite Party/s : Mr. Madan Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 09-04-2021 Heard both sides.

The matter has been taken up through video conferencing.

The petitioner apprehends his arrest in Raniganj PS case No. 394/2020 registered under Section 406, 420 of the IPC.

The informant, in sum and substance, alleged that he had talk with the petitioner for selling the land and the house situated on the land on consideration of Rs. 40 lacs. The informant gave Rs. 10 lacs in presence of the witnesses but petitioner refused to execute the sale deed. A panchayati was held and the petitioner is said to have given Rs. 5000/- to the informant and also issued a cheque of Rs. 9,95,000/- but when



the cheque was presented the same was dishonoured.

The learned counsel for the petitioner submits that all the allegations are false and concocted. The petitioner never entered into any agreement with the informant. Copy of the agreement is not attached with the FIR. The cheque of the petitioner was lost and the informant got the cheque and misused the same. The petitioner informed the bank about missing of the cheque before presenting the cheque. It is further submitted that the case is of civil nature and the petitioner also disputed the fact of taking Rs. 10 lacs from the informant. No receipt for receiving the amount is filed by the informant.

The learned APP, however, opposed the prayer for anticipatory bail.

Having heard the submissions and on perusal of the records, it transpired that, of course, the informant alleged that there was an agreement to sale but the copy of agreement is not annexed with FIR. Acknowledgment or receipt showing the payment of Rs. 10 lacs to the petitioner is also not filed. The petitioner disputed the factum of receiving any amount from the informant or entering into agreement with the informant to sale the land and the house standing thereon.

Taking into consideration the facts aforesaid and the



nature of allegation made against the petitioner, the petitioner, above named, in the event of his arrest/ surrender before the court below within a period of four weeks from the date of receipt/ production of a copy of this order is directed to be enlarged on bail on his furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Araria in connection with Raniganj P.S. case No. 394/2020, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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