

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)  
CRIMINAL MISCELLANEOUS No.10460 of 2021**

Arising Out of PS. Case No.-324 Year-2018 Thana- SAHPUR District- Patna

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Pintu Kumar @ Pintu Kumar Yadav Son Of Late Mangal Rai R/O Village-  
New Tarachak, P.S.- Danapur, District- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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**Appearance :**

|                          |   |                                                                      |
|--------------------------|---|----------------------------------------------------------------------|
| For the Petitioner/s     | : | Mr. Y.C. Verma, Sr.Adv.<br>Mr. Akhauri Kamal Kishore Sahay, Advocate |
| For the Informant        | : | Mr. Rajen Sahay, Advocate                                            |
| For the Opposite Party/s | : | Ms. Nirmala Kumari, APP                                              |

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
ORAL ORDER

9      15-09-2021                      Learned counsel for the petitioner undertakes to  
  
remove all the defects as pointed out by office within four  
  
weeks after start of normal functioning of the Court.

Heard Mr. Y.C. Verma, learned senior counsel  
  
assisted by Mr. Akhauri Kamal Kishore Sahay, learned counsel  
  
for the petitioner, Mr. Rajen Sahay, learned counsel for the  
  
informant and Ms. Nirmala Kumari, learned A.P.P. for the  
  
State.

Petitioner in the present case is seeking regular bail in  
  
connection with Shahpur P.S. Case No.324/2018 registered for  
  
the offences punishable under Sections 406, 420, 467, 468, 471,  
  
341, 323, 504, 384, 506 and 120(B) of the Indian Penal Code.

He is in custody since 14.10.2019. The petitioner has got no criminal antecedent.

As per the prosecution the informant had been introduced by one Bijendra Kumar to this petitioner as his partner who were dealing in sale and purchase of land. The informant claims that with respect to Plot no. 602, Khata No. 21 under Thana no. 24 measuring area 40.5 decimal an agreement was executed wherein it was agreed that the land will be sold to the informant at the rate of Rs. 16,51,000/- per katta. The informant claims that he was provided with the necessary documents and copy of the registered agreement in respect of the said piece of land. Thereafter the informant issued cheques of the given description for Rs. 30.5 lakhs in favour of the petitioner and also handed over him a cash amount of Rs. 8,00,000/-. Similarly he issued cheques for Rs. 20.5 lakhs in favour of Bijendra Kumar Rai and handed over to him a sum of Rs. 8.51 lakhs in cash. The informant disclosed that he had issued some post-dated cheques also of the company of which the period has already expired. The informant claims that later on when he enquired about the documents and the agreement, it was found that the said agreement was a forged document. The allegation is that after receiving money despite all persuasions

the accused persons are not executing the sale deed in respect of land. It is alleged that when the informant demanded his money, he was called upon to visit the place of the accused person namely Bijendra Rai, he visited there on 27.10.2018 and while he was taking out the original copy of the agreement from his bag, his plastic bag and papers were snatched away. He claims that there were some cheques also inside the bag and Rs. 80,000/- in cash which were all taken away by the accused persons. The informant was threatened and was asked to go away.

Learned senior counsel for the petitioner submits that a close reading of the First Information Report would show that the informant is trying to take a defence with respect to the post-dated cheques issued by him and though in the First Information Report it is stated that he is enclosing the photo copy of the agreement with respect to plot no. 602 but no copy of any such agreement has been enclosed with the F.I.R.

Learned senior counsel further submits that the petitioner has brought on record by filing a supplementary affidavit a copy of the agreement which was executed in favour of the petitioner and other persons by one Kunti Devi in respect of three plots out of which Plot No. 47 in Khata No. 58 area 26.25 decimal was

purchased by the informant and in respect thereof a sale deed has been executed by said Kunti Devi on 22.06.2017. In the said sale deed, this petitioner is one of the witnesses.

Learned senior counsel submits that since the petitioner is dealing in sale and purchase of land, he enters into an agreement with the owner of the land and then after finding a purchaser he gets the sale deed executed directly by the owner of the land in favour of the purchaser. This would be evident from the fact that in the FIR itself the informant has disclosed that the petitioner was introduced as a person dealing with sale and purchase of land.

Learned senior counsel submits that very candidly the informant did not disclose the fact in the F.I.R. that he had got a sale deed executed through this petitioner on 22.06.2017.

In order to explain the execution of sale deed a supplementary affidavit has been filed on behalf of the petitioner in which he has explained that the agreement for sale of the land was for Rs. 3 crores. The informant did not pay the entire amount, he paid only Rs. One crore Thirty lakhs and in order to discharge his liability he gave eleven cheques. In the F.I.R. there is a reference of only ten cheques. The informant requested the petitioner and his other partners not to encash

those cheques, therefore none of the cheques were encashed. It is submitted that in order to grab the money the present F.I.R. has been lodged.

The petitioner has filed a money suit bearing no. 12 of 2019 against the informant which is pending in the court of learned Sub-Judge-1st, Danapur, Patna. It is further submitted that in the similar facts and circumstances of the case the co-accused Bijendra Rai has been granted privilege of bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 31460 of 2020.

Mr. Rajen Sahai, learned counsel for the informant has opposed the prayer for bail of the petitioner. It is his submission that the co-accused Bijendra Rai obtained bail by furnishing wrong information that the petitioner had executed a sale deed after receiving money from the informant. Learned counsel submits that in the anticipatory bail petition earlier filed by the petitioner giving rise to Cr. Misc. 29324 of 2019 he had enclosed a copy of the agreement as Annexure-3 to the supplementary affidavit and the said agreement is with respect to the Plot No. 602. Learned counsel, however, submits that in the said agreement (Annexure A/3 to the supplementary affidavit in the said case) the petitioner is not a party but it his

submission that his partner co-accused Bijendra Rai and two others were party to the agreement in respect of plot no. 602. Learned counsel submits that the fact with regard to execution of sale deed on 22.06.2017 through one Kunti Devi were not disclosed in the F.I.R because those were not relevant for this case.

Learned A.P.P. for the State has also opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, without going into the merit of the allegations and counter allegations at this stage in the nature of the case and the materials on the record as also that the co-accused similarly situated has been granted bail and that the petitioner was not a party to Annexure-3 to the supplementary affidavit filed before this Court in the anticipatory bail petition and the petitioner has remained in jail for a substantial period of over one year nine months, this Court directs release of the petitioner on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of Ms. Shreya Mishra, learned J.M.-1st Class, Danapur, Patna in connection with Shahpur P.S. Case No.324/2018, subject to the condition as laid down under

Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent 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 bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

**(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’.