

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25577 of 2021

Arising Out of PS. Case No.-215 Year-2019 Thana- DARBHANGA SADAR District-
Darbhanga

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Amit Nayak Son of Late Om Prakash Nayak, Resident of Village - Mauria,
P.S.- Sadar (Bhalpatti O.P.), Distt.- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Upendra Sahu Son of Ram Saran Sahu, Resident of Village - Muriya, P.s.-
Sadar (Bhalpatti O.P.), Distt.- Darbhanga.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Pankaj Kumar Jha, Adv.
For the Opposite Party/s	:	Mr. Arvind Kumar, APP.
For the informant	:	Mr. S. Azeem, Adv.
	:	Mr. Arvind Kumar, Adv.
	:	Mr. Akshay Lal Pandit, Adv.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

11 26-09-2022 Heard learned counsel for the petitioner, learned
counsel for the informant/ Opposite Party No.2 and learned
Additional Public Prosecutor for the State.

The petitioner seeks confirmation of bail in
connection with Sadar (Bhalpatti O.P.) P.S. Case No. 215 of
2019, lodged under Section 420 of the Indian Penal Code.

Vide order dated 28.09.2021 provisional bail was
granted to the petitioner, vide order dated 26.07.2022 learned
counsel for the petitioner seeks time to file counter affidavit on
behalf of Opposite Party No.2. The said counter affidavit has

been filed, by virtue of counter affidavit, agreement for sale has been placed before the Court as well as account statement of Saving Bank account of informant alongwith income tax verification, computation sheet and balance sheet alongwith two blank cheque signed by Anil Nayak is attached with.

From the said agreement it transpires that executor of the agreement for sale is Rita Devi, Anil Nayak and the present petitioner, but in the deed, the present petitioner has signed as a witness. From the account of Opposite Party No.2, it transpires that in July, 2018, Rs.2,00,000/- and Rs.3,00,000/-, total Rs.5,00,000/- has been transferred in the account of Mr. Anil Nayak and not in the account of present petitioner. The blank cheque annexed in the S.A. are also signed by Anil Nayak and not by the present petitioner.

By virtue of above those documents, it transpires that the present petitioner is not in active role. Learned counsel for the petitioner has categorically stated that petitioner is living separately with his widow mother and brother. He also submits that petitioner is in no way concerned with the land in question and house.

In the above said background, I am not inclined to continue this case further, let the **provisional bail** granted to the

petitioner on 28.09.2021 is hereby **confirmed** and present application is disposed of.

(Dr. Anshuman, J.)

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