

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28554 of 2022

Arising Out of PS. Case No.-29 Year-2022 Thana- KATIHAR MUFFASIL District- Katihar

1. SANJAY KURMI Son of Srikant Kurmi Resident of Village - Mahantpur, P.s.- Sahay, Distt.- Katihar.
2. Amarnath Prasad (Guide) @ Pradeep Son of Kishan Prasad Resident of Village - Bhagwabari, P.s.- Sahayak, Distt.- Katihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Ranjan, Advocate

For the Opposite Party/s : Mr. Vinod Shanker Modi, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 15-11-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Learned counsel for the petitioners seeks permission
to withdraw the bail application in respect to petitioner no. 1.

Permission is accorded.

Accordingly, the prayer of petitioner no. 1 for
anticipatory bail is dismissed as withdrawn.

The petitioner no. 2 apprehends his arrest in a case
registered for the offences punishable under Sections 406, 420
and 34 of the Indian Penal Code.

The informant alleges that he paid Rs. 12,00,000/- out
of Rs. 28,25,000/- to Narayan Malik in pursuance of an



agreement for sale entered between them and rest amount was to be paid at the time of execution of the sale deed, but Narayan Malik did not execute the sale deed and the petitioners were also involved in sale and purchase of the land.

Learned counsel for the petitioner no. 2 submits that petitioner no. 2 is a person with clean antecedent and has been falsely implicated in the present case, it is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that agreement for sale was entered in between Narayan Malik and the informant and it was Narayan Malik who received the amount and petitioner no. 2 has been implicated merely because it is alleged that he was also involved in the said transaction. Learned counsel next submits that dispute is purely civil to which a criminal colour has been given and if the informant is aggrieved by the action of Narayan Malik in not executing the sale deed, he has remedies available in law.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner no. 2

Considering the submissions made by the learned counsel for the petitioner no. 2, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on



anticipatory bail on furnishing bail bonds of Rs. 10,000/-
(Rupees Ten Thousand) with two sureties of the like amount
each to the satisfaction of the learned trial court where the case
is pending/successor court in connection with Katihar Muffasil
P.S. Case No. 29 of 2022 subject to the conditions as laid down
under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

GauravSinha/-

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