

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45664 of 2022

Arising Out of PS. Case No.-174 Year-2022 Thana- SULTANGANJ District- Patna

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Santosh Kumar Son Of Ram Uday Singh @ Uday Rai R/O Village-
Rachiyahi, P.S.- Singhaul, District- Begusarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Adv.

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP.

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 06-12-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with
Sultanganj P.S. Case No. 174 of 2022 registered for the offences
punishable under Sections 406 and 420 of the Indian Penal
Code.

As per the prosecution, the informant paid a sum of
rupees twenty one lacs to this petitioner to purchase a land but
due to improper documents of the said land the informant
refused to purchase the alleged land. Further it is alleged that
this petitioner refused to repay the said amount to the informant.



The main submissions advanced by learned counsel Mr. Anuj Kumar appearing for the petitioner are that the instant case is a land dispute and the same is purely of civil nature, in fact Sultanganj P.S. Case No. 173 of 2022 was lodged with an allegation of kidnapping and the petitioner was abducted and forced to write that he had taken rupees eighteen lacs while there is no proof of taking the said money and the petitioner is ready to refund the said amount if any proof of transaction is produced by the informant. Further submission is that the offences alleged are triable by First Class Magistrate and the petitioner has been languishing in jail since 20.05.2022 and having clean antecedent.

Learned APP Mr. Anil Kumar Singh No. 1 appearing for the State has opposed the bail prayer.

Having regard to the facts and circumstances of this case, considering the above submissions mainly the facts that the alleged wrong mentioned in the FIR also attracts the civil wrong as the main dispute in between the petitioner and the informant is concerned to a money transaction and also considering the petitioner's custody period and his clean antecedent, in the opinion of this Court this petitioner deserve to a lenient approach of this Court. Accordingly, let the petitioner



be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten
Thousand) with two sureties of the like amount each to the
satisfaction of the Court concerned in connection with
Sultanganj P.S. Case No. 174 of 2022.

(Shailendra Singh, J.)

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