

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56249 of 2021**

Arising Out of PS. Case No.-232 Year-2019 Thana- MOTIHARI TOWN District- East
Champaran

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AJAY KUMAR SHAH @ AJAY KUMAR SAH @ AJAY SAH S/o Late Uma Shankar Prasad R/o Mohalla- Miscott, P.S.- Motihari, Town and District- East Champaran at present residing at 68 Maanik Bandopadhyaya Sarani Municipal Corporation south- 24 recent part Kolkata- 700040, West Bengal
... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Vijay Kumar Singh Son of Late Raj Narain Singh resident of Mohalla Shri Krishna Nagar Agarwa, P.S Motihari Town, District East Champaran.
... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr.Ashok Kr. Sinha, Mr. Nilesh Kumar Nirala
For the Opposite Party/s :	Mr.Upendra Kumar
For the Informant	Mr. Kundan Rathore

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

7 06-09-2022 Heard learned counsel for the petitioner, learned counsel
for the informant and learned APP for the State.

The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Motihari Town P.S. Case no. 232 of 2019 instituted for the offence under Sections 420, 467, 468, 471, 504, 506, 406/34 of the Indian Penal Code.

As per allegation in the FIR, Petitioner had made two agreements in favour of the informant and his sons to sell 18 dhur and 16 dhur of lands and he took cash of Rs. Eleven lac and Rs. Twenty five lac and two cheques of Rs. 11 lac but neither the land has got been registered nor the petitioner is ready to return the said amount to the informant.



Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. As per final negotiation between the parties, petitioner is depositing a draft of Rs. 11 lakh through demand draft in favour of the informant and now no dispute remained between the parties.

Learned counsel appearing for the informant has accepted the demand draft of Rs. 11 lakh bearing draft no. 003536 dated 29.08.2022 issued by HDFC Bank, Kolkata.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Motihari Town P.S. Case no. 232 of 2019, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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