

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46363 of 2022

Arising Out of PS. Case No.-220 Year-2018 Thana- LAHERIMUHALLA District- Nalanda

SHAILESH KUMAR MANDAL SON OF UDAY MANDAL R/O
VILLAGE- VISHAL, ISIPUR, P.S.- BARAHAT, DIST.- BHAGALPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Rudal Singh, Advocate
For the Opposite Party/s :	Mr. Chandra Sen Prasad Singh, A.P.P.
:	Mr. Anil Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-11-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

The petitioner 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 on 11.11.2013, he along with his two friends entered into an agreement with Alka Raj to purchase a land for an amount of Rs. 61,00,000/-, further informant gave Rs. 5,00,000/- to Alka Raj and further gave total amount of Rs. 41,03,000/- to the petitioner and other co-accused persons as per direction of Alka Raj, thereafter on 23.06.2014, Alka executed two sale deeds with regard to land for an amount of Rs. 19,69,000/-, it is next alleged that Alka Raj demanded



rest of the amount as agreed and when informant asked for land receipt, she started avoiding the informant and later the informant came to know that the land mentioned in the agreement does not belong to the petitioner or the accused persons.

Learned counsel for the petitioner submits that the petitioner has antecedent of one case and has been falsely implicated in the present case being husband of Alka Raj, it is next submitted that no agreement for sale was entered in between the informant and the petitioner, it is further submitted Shyam and Poonam have been granted anticipatory bail vide Order Dated 17.12.2018 in Cr. Misc. No. 68936 of 2018. Learned counsel next submits that the dispute is purely civil to which a criminal colour has been given and if the informant is aggrieved by the conduct of Alka Raj and the accused petitioner then he has remedies available in civil law. Learned counsel next submits that till date process under Section 82 Cr.P.C. has not been issued against the petitioner.

Learned A.P.P. for the State and learned counsel for the informant opposed the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, 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 Laheri P.S. Case No. 220 of 2018 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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