

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2979 of 2023

Arising Out of PS. Case No.-993 Year-2021 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

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SANTOSH PRASAD S/O BISHUN PRASAD R/V- PAYREPUR, P.S.-
BAKUNTHPUR, DISTRICT- GOPALGANJ

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. GANESH PRASAD S/O RIJHA PRASAD R/V- PAYREPUR, P.S.-
BAKUNTHPUR, DISTRICT- GOPALGANJ

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nawal Kishore Singh

For the Opposite Party/s : Mr. Ram Naresh Ray

Mr. Dhramveer

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 25-07-2023 Heard learned counsel for the petitioner, learned counsel
for the complainant/O.P. No2 as well as learned APP for the
State.

2. Learned counsel for the O.P. No.2 filed a counter-
affidavit in the Court. Let the same be accepted and kept on
record.

3. The petitioner apprehends his arrest in a case registered
for the offence punishable under Sections 420 of the Indian
Penal Code.

4. The allegation against the petitioner is that he took
consideration amount from the complainant for execution of
sale deed in the favour of the petitioner and sold the land to



some other person and has not returned the amount of money given by the complainant.

5. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and have committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. He submits that entire case is false and fabricated and the case is of civil dispute between the parties. Petitioner has no criminal antecedent, as also mentioned in para-3 of the bail application.

6. Learned APP for the State as well as learned counsel for the O.P. No.2 opposed the prayer for anticipatory bail by submitting that there is allegation against the petitioner that he took money from the complainant and did not registered the land in his favour neither he returned his money back.

7. Having regard to the facts and circumstances of the case as this case is of civil dispute between the parties, let the above named petitioner, be released on bail, in the event of his/her arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection



with Complain P.S. Case No.993 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. However, the complainant is directed to take appropriate steps for of realization of money or execution of the agreement.

(Anjani Kumar Sharan, J)

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