

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4733 of 2023

Arising Out of PS. Case No.-236 Year-2022 Thana- DANAPUR District- Patna

ANIL KUMAR SINGH Son of Sri Vishwanath Prasad Resident of 5/151,
M.I.G., Sector- 8, Bahadurpur Housing Colony, P.S.- Kadam Kuan, Town and
District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nagadeo Choubey, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 11-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State alongwith learned counsel for the informant.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 406, 420
and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and the informant
alleges that he gave Rs. 42,10,000/- to the land owner alongwith
the petitioner in the year 2014 for purchasing 2 Khattas of land,
further the petitioner was acting as a broker, it is next alleged
that petitioner got the land registered in the name of the brother
of the informant.

Learned counsel for the petitioner submits that the



petitioner has been falsely implicated in the present case, it is next submitted that the land which the informant intended to purchase was not of the petitioner rather petitioner was acting as a broker in between the informant and the land owner, it is next submitted that the total consideration of the land was Rs. 64,00,000/- out of which 42,10,000/- was given by the informant, it is next submitted that out of 42,10,000 the land owner received an amount of Rs. 23,00,000/- and the petitioner being broker received an amount of Rs. 19,10,000/-. it is further submitted that since the consideration for purchasing the land was fixed at Rs. 64 lakhs and the informant was not able to pay the amount in time as agreed, as such, the land owner executed the sale deed with respect to the land in favour of the brother of the informant.

The learned counsel for the petitioner submits that the petitioner admits that he received Rs. 19 lakhs 10 thousand (19,10,000/-) in the year 2014 but after the land was executed in favour of the informant's brother, the informant never approached him for getting his money back, when informant was willing to return the amount. It is further submitted that petitioner still is ready to return the amount which he had received with certain interest.



It is next submitted that petitioner is willing to return an amount of Rs. 22 lakhs to the petitioner but for that he requires six months time.

The learned counsel for the informant on instruction does not oppose the anticipatory bail application of the petitioner.

The learned counsel for the petitioner very fairly submits that at the time of surrender the petitioner will pay an amount of Rs. 3 lakhs to the informant.

The learned counsel for the informant at this stage submits that he will WhatsApp the Bank Account No. of the informant on the WhatsApp No. of the learned counsel for the petitioner and the learned counsel for the petitioner undertakes to forward the same to the informant so that the amount as agreed is credited in the informant's account.

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 Danapur P.S. Case No. 236 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

However, it is made clear that in the event, if 3 lakhs as agreed is not deposited in the account of the informant on the date of surrender the present anticipatory bail order shall not be given effect to. It is further made clear that in the event thereafter the petitioner does not return the rest of the amount as agreed by 15th January 2024, the informant shall be at liberty to file an application seeking cancellation of the bail order of the petitioner before this Court.

(Satyavrat Verma, J)

Adnan/-

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