

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14806 of 2023**

Arising Out of PS. Case No.-1172 Year-2007 Thana- GAYA COMPLAINT CASE District-
Gaya

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GAUTAM KUMAR SINHA @ GOUTAM KUMAR SINHA SON OF LATE
VIJAY KUMAR SINGH R/O MOHALLA GEWAL BIGHA (SAHMIR
TAKYA) P.S.- RAMPUR, DISTRICT- GAYA

... .. Petitioner/s

Versus

1. The State of Bihar
2. ANUP KUMAR SON OF SRI BASUDEO PRASAD R/O MOHALLA-
SAHMIR TAKYA LANE, P.S.- CIVIL LINES, DISTRICT- GAYA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar, Advocate
For the Opposite Party/s : Mr.Sunil Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 24-05-2023 Heard the learned counsel for the petitioner and

the learned A.P.P. for the State.

This is an application for grant of anticipatory
bail in connection with Complaint case no. 1172 of 2007,
registered for the offences punishable under Section 420 of the
Indian Penal Code.

The allegation, according to the complainant, is
that a sum of Rs. 20,000/- was paid, by way of advance, by the
complainant to the son of the co-accused namely Munni Devi
for the purposes of purchase of the land belonging to the said
Munni Devi. Subsequently, even after receiving the entire sale



consideration, the petitioner and the said Munni Devi did not execute a sale deed.

The learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in the present case. The petitioner is said to be an accused in one another case but he is on bail in the said case. The learned counsel for the petitioner has further submitted by referring to the statement made by the complainant on solemn affirmation that the complainant has already filed a civil suit, hence, it is apparent that the allegations levelled in the present case are purely in the nature of civil dispute. It is also submitted that no agreement of sale has been brought on record to show that any transaction had taken place in between the petitioner/ his mother and the complainant.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record, this Court is *prima facie* of the view that firstly, no agreement to sale has been brought on record to suggest that any transaction of sale/ purchase had taken place in between the



parties and secondly, the allegations levelled in the complaint petition are purely in the nature of civil dispute, thus I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the abovenamed petitioner, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Gaya in connection with Complaint case no. 1172 of 2007, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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