

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8690 of 2023

Arising Out of PS. Case No.-675 Year-2022 Thana- SHERGHATI District- Gaya

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PANKAJ KUMAR @ PANKAJ KUMAR MISHRA @ SANJEEV KUMAR
RANJAN SON OF UPENDRA KUMAR MISHRA R/O VILLAGE- NAILI,
P.S.- MAGADH MEDICAL COLLEGE GAYA, DISTRICT- GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Viveka Nandsingh, Adv.
For the Opposite Party/s : Mr.Jharkhandi Upadhyay, APP.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 18-04-2023 Heard learned counsel for the petitioner 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, 342, 323, 504, 506,34 of the Indian Penal Code.

The prosecution case, in brief, is that the informant entered into an agreement with Uday Raj on 17.03.2020 for purchasing a piece of land bearing Khata No. 192, Plot No. 580, Block-A2, area ½ katha at consideration amount of Rs. 6,50,000/- and paid Rs. 50,000/- cash as advance. The informant further transferred Rs. 1,00,000/- from his bank account on same day. On 16.04.2020, the informant



transferred 50,000/- and on 29.06.2022 transferred Rs. 2,00,000/- to the accused Uday Raj. It was further alleged that the informant requested to register the same land but the accused did not do so and tried to play delaying tactics. The informant alleged that accused Uday Raj again requested him to transfer Rs. 3,00,000/- in an unknown account and when the informant denied the same, the accused refused to register the alleged land and threatened him. It is further alleged that Uday Raj told him on telephonic call that he had sold that plot to another person and would not give him. Lastly, it is alleged that Uday Raj and petitioner came to the shop of the informant and threatened him.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took place. He has been falsely implicated in this case due to enmity. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. Neither the land which is mentioned in the FIR belongs to the petitioner nor any consideration amount for sale of the aforesaid land has been paid to him by the informant. There is general and omnibus allegation against the petitioner that on 17.03.2020, he along with co-



accused Uday Raj went to the house of the informant, where co-accused Uday Raj took Rs.50,000/- cash from the informant and demanded Rs. 1 lacs as advance. Also on 19.01.2022, accused Uday Raj along with the petitioner came to the shop of the informant and threatened him that he would not execute the sale deed of the aforesaid land. From the aforementioned fact, it is clear that there is specific allegation against co-accused Uday Raj not against the petitioner. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State opposed the prayer for bail and submitted that there is ample material in the case diary which shows that there is reasonable ground to believe that the petitioner was involved in the alleged offence.

Having regard to the facts and circumstances of the case, as there is civil dispute between the parties, let the above named petitioner, be released on bail, in the event of his 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



Sherghati P.S. Case No. 675 of 2022, subject to the condition as
laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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