

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13006 of 2023

Arising Out of PS. Case No.-629 Year-2021 Thana- PATNA COMPLAINT CASE District-
Patna

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VIJAY RAI S/o Nageshwar Rai R/o Village- Khowa Singh Ke Tola,
Athmalgola, P.S.- Athmalgola, Distt- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Kashyap, Adv.
For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam, APP
For the Complainant : Mr.Saroj Kumar Choudhary, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 23-06-2023 Heard learned counsel for the petitioner, for the
complainant and learned APP for the State.

The petitioner apprehends his arrest in a case registered
for the offence punishable u/s 406 of the IPC.

As per the prosecution case, the complainant gave
Rs.2,50,000/- to the petitioner by four cheques for purchasing
his land but the even after lapse of six months, no registry was
executed by the petitioner in favour of the complainant and he
tried to sell that land to another person.

It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has committed no offence. He
has been falsely implicated in this case due to ulterior motive.
No such occurrence, in the manner as alleged, has ever taken



place. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. It is submitted that the complainant was not ready to give the rest amount to execute the sale deed and thereafter the amount of advance was returned to the petitioner by cash. Petitioner has no criminal antecedent.

Learned APP for the State as well as learned counsel for the complainant opposed the prayer for bail by submitting that after taking advance, petitioner has not executed the sale deed.

Having regard to the facts and circumstances of the case, considering that it is a 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 Complaint Case No.629 (C) of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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