

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16887 of 2023

Arising Out of PS. Case No.-383 Year-2022 Thana- BUXAR MUFFSIL District- Buxar

SANTOSH KUMAR SINGH Son of Late Nityanand Singh R/v- Veer Kuwar Singh Colony, P.S.- Buxar Nagar, District- Buxar, Presently residing at S.K. Nagar, Rishra M., P.S.- Rishra , Hooghly, Prabasnagar, West Bengal

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Parijat Saurav, Advocate

For the Opposite Party/s : Mr.Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

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

This is an application for grant of anticipatory bail in connection with Buxar (Mufassil) P.S. Case No.383 of 2022, registered for offences under Sections 406, 420, 467, 468, 469, 471, 506 and 34 of the IPC.

The allegation is regarding the petitioner having taken a sum of Rs.12.25 lacs from the informant by way of advance, in lieu of sale of land and execution of a sale deed with regard to the same, out of the total sale consideration amount of Rs.36.50 lacs, however, subsequently, the



informant developed some doubt about the legality of the title of the land in question, hence she refused to go ahead with the deal and had instead requested the petitioner to return back the advance money given by her to him, however, the same was not returned back.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted, by referring to paragraph no.7 of the present petition, that the petitioner has already refunded the entire advance amount taken by the him to the tune of Rs.12.25 lacs and the same can be verified by the learned trial Court, at the time of granting bail to the petitioner. It is also submitted that a compromise petition has already been filed before the learned trial Court.

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 as also considering the fact that the nature of allegation levelled in the present case are in the nature of civil dispute and the petitioner has already returned back the amount received by him by way of advance from the informant, though I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail, however, subject to verification by the learned trial Court as to whether the aforesaid sum of Rs.12.25 lacs has been returned back to the informant or not.

Accordingly, the above named petitioner is directed to be enlarged on anticipatory bail, in the event of his surrender before the court below, within a period of eight weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial



Magistrate, Buxar, in connection with Buxar (Mufassil) P.S. Case No.383 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

It is needless to state that for a period of eight weeks from today, the petitioner shall not be arrested in connection with Buxar (Mufassil) P.S. Case No.383 of 2022 and during the said period, upon appropriate application being made by the petitioner, the learned Trial Court shall verify the aforesaid contention of the petitioner to the effect that he has returned the money in question back to the informant.

(Mohit Kumar Shah, J)

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