

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19612 of 2023

Arising Out of PS. Case No.-978 Year-2022 Thana- SONEPUR District- Saran

=====

Anand Mohan Singh, Son Of Shyam Nand Singh @ Shyam Narayan Singh
Resident Of Village - Govindchak, P.S.- Sonepur, District - Saran At Chapra.

... .. Petitioner/S

Versus

1. The State Of Bihar
2. Yashwant Kumar Singh, S/o Late Mundrika Singh, R/o Kuari Khurd, P.O.-
P.S.-Hajipur, District- Vaishali.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh- Advocate
For the State : Mr. Uma Shankar Prasad Singh- A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 31-07-2023 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 467, 468, 471, 420, 406, 379, 504, 506, 34 of the
Indian Penal Code.

3. By order dated 13.06.2023, notices were issued
upon the opposite party no.2. It is next submitted that notices in
terms of the order dated 13.06.2023 was filed in time. It is next
submitted that from the office report, it appears that office by
mistake could not issue the notice, though it was filed on time.

4. The learned counsel for the petitioner submits that
from perusal of the allegation as alleged in the F.I.R., it would



manifest that the thrust of the allegation is against Shyam Nand Singh and the petitioner, being his son, has also been implicated when the agreement to purchase land was entered in between the informant and Shyam Nand Singh. It is further submitted that Shyam Nand Singh had approached this Court seeking anticipatory bail by filing Cr. Misc. No.22535 of 2023 and this Hon'ble Court by order dated 24.06.2023 was pleased to grant anticipatory bail to Shyam Nand Singh @ Shyam Narayan Singh @ Shyam Singh. It is thus submitted that the case of this petitioner is on a better footing than Shyam Nand Singh, as such, the case be heard on merit.

5. The learned counsel for the petitioner submits that petitioner is a person with clean antecedent and the informant alleges that an agreement for sale was entered in between him and Shyam Nand Singh for purchasing a land as detailed in the F.I.R. for a consideration of Rs.1,33,75,000/- out of which, Rs.92,00,000/- was credited in the account of Shyam Nand Singh, but Shyam Nand Singh and his son did not execute sale deed rather the sold the land to someone else. Further, when the petitioner went to the house of the accused persons on 16.12.2022 for getting the sale deed executed, he was abused and assaulted.



6. The learned counsel for the petitioner submits that the dispute is purely civil to which a criminal colour has been given. It is next submitted that it is not in dispute that an agreement was entered in between informant and Shyam Nand Singh for purchasing a piece of land, but then, from perusal of the agreement, it would manifest that the consideration fixed was Rs.1,33,75,000/- out of which, an amount of Rs.20 Lacs at the time of agreement was paid by the informant to Shyam Nand Singh. It is further submitted that the agreement had a clause which stipulated that in the event, if the consideration is not paid within a stipulated time, the amount of Rs.20 Lacs shall stand forfeited. It is further submitted that the informant thereafter paid an amount of Rs.67 Lacs, but the entire consideration, as agreed, was not paid in time, as such, Shyam Nand Singh issued eight cheques in favour of the informant of Rs.5,05,000/- i.e. for an amount of Rs.40,40,000/- and forfeited the amount of Rs.20 Lacs in terms of the agreement. It is next submitted that if informant is aggrieved by the act of the petitioner, in that event, he has remedies available in law.

7. Learned A.P.P. opposes the bail application.

8. 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 Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-1st, Chapra in connection with Sonapur P. S. Case No.978 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

9. The application stands allowed.

(Satyavrat Verma, J)

vikash/-

U		T	
---	--	---	--

