

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23446 of 2023

Arising Out of PS. Case No.-29 Year-2020 Thana- SARAN COMPLAINT CASE District-
Saran

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BRAHMANAND SINGH Son of Late Kamleshwar Singh R/V- Rasalpura,
PS- Doriganj, Dist- Saran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Lakhichand Rai Son of Late Shiv Prasad Rai R/V- Pachbhinda, PS- Taraiya
Dist- Saran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar Singh, Advocate

For the Opposite Party/s : Mr.Abhay Kumar Roy, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 24-06-2023 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. 29 of 2020, registered for

the offences punishable under Section 420 and other allied

sections of the Indian Penal Code.

The allegation is regarding the accused persons

having enticed the complainant to sell the land to the co-accused

person namely Sweta Kumari, who is alleged to have given

cheques *in lieu of* the sale consideration to the complainant but

when he had presented the same before the Bank, the same had

stood dishonoured.



The learned counsel for the petitioner submits that the petitioner is innocent, he has been falsely implicated in the present case and is having a clean antecedent. The learned counsel for the petitioner has further submitted that the petitioner is neither the vendor nor the vendee nor the witness nor the identifier *qua* the sale deed in question, hence, he is having no role to play in the alleged occurrence. It is also submitted that similarly situated co-accused person has already been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court vide order dated 21.11.2022, passed in Cr. Misc. no. 37792 of 2022.

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 parity of the case of the petitioner with that the co-accused person who has already been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court apart from the fact that the petitioner is neither alleged to be the vendor nor the vendee nor the eye-witness nor the identifier *qua* the sale deed in question, 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 J.M. 1st class, Saran at Chapra in connection with Complaint case no. 29 of 2020, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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