

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30740 of 2023

Arising Out of PS. Case No.-519 Year-2021 Thana- AURANGABAD TOWN District-
Aurangabad

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SUCHIT SINGH S/O LAL BARAT SINGH @ RAJ BARAT SINGH R/O
Village- Kunda, P.S- Muffasil, Distt.- Aurangabad (Bihar).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kamlendra Pd. Singh,Adv.

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 14-07-2023 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 Aurangabad (Town) P.S. Case No.519 of 2021,
registered for offences under Sections 406, 420 and 34 of the
IPC.

The allegation is regarding the accused persons
having taken advance money in lieu of sale consideration with
regard to which an agreement to sell was prepared and the
informant had agreed to purchase the land in question. It is also
alleged that the informant had paid a sum of Rs.17.50 lac by
depositing the same in the account of the co-accused person,
namely, Nikesh Kumar Singh. As far as the petitioner is
concerned, he is stated to be a witness to the agreement in



question. It is also alleged that the accused persons ultimately refused to execute the sale deed in question and also did not return the entire amount, paid by the informant to the said Nikesh Kumar Singh.

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 that the informant has not alleged regarding any money having been paid to the petitioner, hence the petitioner is not having any complicity in the matter.

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 prima facie the allegations levelled in the FIR are in the nature of civil dispute and further the informant is not alleged to have paid any money to the petitioner herein, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the above named petitioner is directed to



be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below, within a period of four 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, Aurangabad, in connection with Aurangabad (Town) P.S. Case No.519 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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