

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25326 of 2023

Arising Out of PS. Case No.-827 Year-2019 Thana- SHASTRINAGAR District- Patna

Nagendra Kumar Singh @ Nagendra Singh S/O-Hari Shankar Singh R/O-
Sanjay Gandhi Nagar, Road No. 6, Hanuman Nagar, P.S.-Patrakar Nagar,
Distt.-Patna (Bihar), Pin Code-800020

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Chandra Shekhar Azad

For the Opposite Party/s : Mr.Pranav Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 16-10-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 406 & 420 of the Indian Penal Code.

3. Prosecution case is that the informant was in good relation with Dhirendranath, who has started firm named Vaibhavi Developers with partner's Nagendra Singh (petitioner). The said developer started construction of residential building in Punaichak in the year 2011. Since, the said construction started on a piece of land situated in the neighborhood of informant, informant agreed with both the partners of firm that a 3 BHK flat measuring 1350 Sq. ft. area @ Rs. 2900/- per Sq. ft. for booking. Informant has paid Rs. 11,32,000/- from time to time



through cheque and cash for purchase of flat in the above building without any agreement. The informant has demanded several times for his flat but the partners of the firm did not hand over it.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He submits that there is no specific overt act against the petitioner. He submits that there is general and omnibus allegation levelled against the petitioner. He submits that the petitioner is ready to return Rs. 11,32,000/- to the informant. He undertakes to deposit Rs. 6,25,000/- at the time of furnishing his bail bonds before the learned court below which will be released in favour of the informant. He further undertakes to return rest amount of Rs. 5,07,000/- before the learned court within a period of six months which will also be released in favour of the informant. He further submits that petitioner has no criminal antecedent as stated in para-3 of the bail application.

5. Learned APP for the State opposes the prayer for bail.

6. Considering the facts and circumstances of the case, let the above named petitioner in the event of his arrest or surrender before the learned Court below within a period of six



weeks from today, be enlarged **on provisional bail for a period of eight months** 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 Shastri Nagar P.S. Case No. 827 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. On payment of entire amount, the provisional bail of the petitioner will be confirmed by the learned court below.

8. Leaned counsel for the informant undertakes to withdraw the case after getting payment of the entire amount.

(Anjani Kumar Sharan, J)

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