

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34908 of 2023

Arising Out of PS. Case No.-321 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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Sonu Kumar, son of Om Prakash Gupta Village- Beapur Gupta Tola, Adjacent
of Shankar Kirana Store, Ps- Maner Dist- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Tarun Kumar son of Ram Kishor Singh Village- Chandawa Ps- Phalka Dist-
Katihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 21-07-2023 Heard learned counsel for the petitioner and the learned
Additional Public Prosecutor (for brevity 'APP') for the State.

2. The petitioner is apprehending his arrest in connection
with Complaint Case No. 321/ 2022 registered for the offence
punishable under Sections 467, 468, 406, 420, 120 (B)/34 of
the Indian Penal Code (for brevity 'IPC').

3. There is allegation that the petitioner has brokered a
deal between the two (2) co-accused, namely Ramesh Kumar
and Anamika Kumari for selling their land in favour of the
complainant. Huge amounts have, allegedly, been paid,
whereafter the agreement was not honoured, leading to lodging
of the instant case, wherein petitioner has received Rs.



1,00,000/- (One Lakh) as brokerage.

4. Learned counsel for the petitioners submits that the complain is in respect of an occurrence, which predominantly constitutes a civil offence, wherein the petitioner, at best, was the broker, only bringing the two (2) parties before each other for the deal. Co-accused persons, who had taken the money, namely, Ramesh Kumar & Anamika Kumari have been allowed anticipatory bail by the Court of Additional Sessions Judge-III, Danapur, Patna. Considering the fact that the parties have compromised the issue, which is evident from the order dated 20-10-2022, passed in A.B.P. No. 6426/2022 and A.B.P. No. 7549 of 2022. Petitioner's prayer for anticipatory bail was rejected prior to the said compromise.

5. Learned APP for the State has opposed the prayer for anticipatory bail.

6. Having regard to the submissions advanced by the petitioner's counsel, above sequence of events, nature of allegations, this Court is inclined to allow petitioner's prayer for grant of anticipatory bail.

7. Accordingly, let the petitioner, above named, in the event of their arrest or surrender before the court below within a period of four weeks from today, be released on bail on



furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 5th, Danapur, Patna, in connection with Complaint Case No. 321/2022, subject to the following conditions:

(i) That one of the bailors of each of the petitioner will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner concerned. The bailors will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bonds will be liable to be cancelled.

(Madhuresh Prasad, J)

Raj kishore/-

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