

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38817 of 2023

Arising Out of PS. Case No.-4531 Year-2018 Thana- PATNA COMPLAINT CASE District-
Patna

=====

Arun Kumar Singh Son of Sri Nand Kumar Singh, Chairperson A.G. Homes Developers PVT Ltd., Its office situated at Verma Chowk, Bahrapura, Sonepur, Dist. Saran- 841101, presently resident of Moh. - Flat No. 203, Raunak Ghar Apartment, Balajee Road, behind Hite Hospital, Saguna More, Danapur Cantt., P.S.- Danapur, Dist.- Patna

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Manoj Kumar Son of Sri Keshav Prasad Choudhary Resident of Moh. House No. 1/10, Magistrate Colony, Road No. 1, P.O. Ashiana Nagar, P.S.- Rajiv Nagar, Dist.- Patna

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Kumar Binode Bariar
For the Opposite Party/s	:	Mr. Raj Ballabh Singh
		Mr. Suraj Narain Yadav

=====

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 10-10-2023 Heard the parties.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Section 406 of the Indian Penal Code.

3. The prosecution case is that the complainant came in contact with the petitioner to purchase a piece of land. An agreement was prepared between the petitioner and the complainant at the rate of Rs.6,50,000/-. Agreement of sale was executed on 10.06.2016 after receiving Rs.2,00,000/- by cheque. The complainant paid total amount of Rs.8,12,000/- through



cheque and cash. After taking entire amount, petitioner disclosed that the said piece of land belongs to one Chinta Devi and Chinta Devi executed the sale deed in favour of complainant's wife. When the complainant went to take possession of land along with the petitioner then some unknown came there and threatened the informant of dire consequences.

4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The petitioner is ready to return the amount paid through cheque to complainant within 8 weeks and remaining amount will be paid as decided in the trial. Petitioner has no criminal antecedent.

5. Learned APP for the State as well as learned counsel for the complainant opposed the prayer for anticipatory bail.

6. Having regard to the facts and circumstances of the case as the petitioner is ready to return Rs.3,00,000/- to the complainant in installments, let the above named petitioners, be released on *provisional* bail for a period of two months, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, 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 Complaint Case No.4531 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. However, the *provisional* bail of the petitioner shall be confirmed by the learned Court below itself after satisfying that the petitioner has paid Rs.3,00,000/- to the complainant.

8. Accordingly, this application is disposed of.

(Anjani Kumar Sharan, J)

shikha/-

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

