

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38667 of 2022

Arising Out of PS. Case No.-597 Year-2021 Thana- BHABHU(KAIMUR) COMPLAIN C
District- Kaimur (Bhabua)

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Anil Kumar @ Munna Sharma @ Anil Sharma Son Of Ram Bashishth
Sharma Resident Of Ward No.-7 Stuarganj, P.S.- Mohania, District- Kaimur
At Bhabua

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Mahatim Sharma Son Of Late Mahatim Sharma R/O Village- Sakarauli
P.O.- Badhupar, P.S.- Mohania, District- Kaimur At Bhabhua

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Arabind Nath Pandey, Advocate
For the Opposite Party/s	:	Mr. Aditya Narayan Singh.1, APP
For the Informant	:	Mr. Chandra Mohan Jha, Advocate
		Mr. Kanhaiya Rao, Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

6 28-06-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 420, 504
and 506 of the Indian Penal Code.

In the nature of allegation, it appears that the dispute
is purely civil in nature for which a criminal case has been
instituted only with a view to coerce the petitioner to pay the
amount when the learned counsel for the petitioner disputes the
allegations as alleged in the complaint and submits that
petitioner was not the Manager of Real Bhumi India Limited



rather was an agent and being part of his duty, he had approached the complainant for purchasing a piece of land and accordingly the complainant parted with an amount of Rs. 60,001/- hearing the scheme of the company that in the event, if land is not allotted within seven years, then three times of the amount which has been deposited shall be returned. Learned counsel next submits that from perusal of Annexure-3 it would manifest that the amount of Rs. 60,001/- was deposited with Real Bhumi India Limited and petitioner being agent of the company was only discharging his duties. It is next submitted that the company thereafter committed forgery with the customers of which even the petitioner was not aware. Learned counsel for the petitioner next submits that petitioner will contest the case and in the event if he is convicted, he will serve the sentence but then sending the petitioner to jail at this stage would not serve any useful purpose.

Learned A.P.P. for the State and learned counsel for the complainant oppose the prayer for anticipatory bail of the petitioner but then are not in a position to rebut the submission of the learned counsel for the petitioner with respect to Annexure-3 wherein an amount of Rs. 60,001/- was deposited with Real Bhumi India Limited for which a receipt was also



issued.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten 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. 597 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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