

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43800 of 2023

Arising Out of PS. Case No.-231 Year-2022 Thana- GURARU District- Gaya

Aditya Kumar @ Aditya Awasthy Son of Niranjan Kumar Awasthi Resident of village - Bara, P.S. - Guraru, Distt. - Gaya present residing at House of Anoop Kumar Gupta, M/s Ratan Furniture, G.B. Road, Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shashi Kumar Son of Mahesh Shankar Vidyarthi Resident of Buddha Bihar Road No. 3 (Surheri), P.S. - Muffasil, Distt. - Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Chhote Lal Mishra, Advocate
For the Opposite Party/s	:	Ms. Madhuri Lata, APP
For the Informant	:	Mr. Anil Kumar Saxena, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 05-12-2023 Heard learned counsel for the petitioner, learned A.P.P. for the State as well as learned counsel for the informant.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 406, 420, 467 and 468/34 of the Indian Penal Code.

3. As per the F.I.R., allegation against the petitioner is that he along with other co-accused persons, dishonestly by playing fraud, made a paper of 31 decimal of land, whereas they had only 18 decimal of land in their possession, for which, he received an amount of Rs. 1.5 crore from the informant and thus, cheated him. It is further alleged that when informant demanded his money, the accused persons refused to return the



money.

4. It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. Petitioners has been falsely implicated in this case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He further submits that there is an agreement between fathers of the petitioner and the informant. The father of the informant has been granted bail by a Co-ordinate Bench of this Court vide order dated 17.10.2023 in Cr. Misc No. 65850 of 2023. A rejoinder petition has been filed on behalf of the informant. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

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

6. Learned counsel for the informant submits that a Civil Suit has been filed before the court below which is pending.

7. Having regard to the facts and circumstances of the case, considering the argument of the parties, it is civil nature dispute between the parties and two accused persons have already been granted bail, let the above named petitioner, be released on bail, in the event of their 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) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Guraru P.S. Case No. 231 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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