

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45126 of 2023**

Arising Out of PS. Case No.-826 Year-2022 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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SUDHIR KUMAR CHAUDHARY Son of Late Satyadev Choudhary
Resident of village - Hasanchak Bangara, P.s. - Sadar, Distt. - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. P.N. Shahi, Sr. Advocate Mr.Madhukar Anand, Advocate
For the Opposite Party/s :		Mr.Pawan Kumar Chaurasia, APP
For the informant	:	Mr. Umesh Kumar Shankar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-08-2023 Heard Mr. Madhukar Anand, learned counsel for the

petitioner, the State as also Mr. Umesh Kr. Shankar, learned

counsel for the informant.

The petitioner is apprehending arrest in connection
with Sadar P.S. Case No. 826 of 2022 instituted under under
Sections 406, 420, 387, 506, 504, 452/34 of the Indian Penal
Code lodged on 10.12.2022 by the informant, Uday Shankar
Prasad.

As per the prosecution story for a piece of land (15.78
kathas) in the district of Muzaffarpur, an agreement was made
for sale @ Rs, 18,50,000/-. Further, the admitted fact is that out
of total amount 01,43,37,500/-, the informant received Rs.
1,07,50.000/- and it is his case that remaining Rs. 35,87,500/-



was not given/misappropriated by the petitioner and accordingly, the FIR.

It is the case of the learned counsel for the petitioner that the admitted fact is that the total amount standing against the informant, Rs. 1,07,50,000/- was paid to him and further four sale deeds of 13.4 decimals only three decimals was executed by the informant and later the remaining land was sold by the informant to someone else and that Rs. 93,66,000/- still remains with the informant.

It is his further submission that a legal notice was also sent on 12.12.2022 which followed the Money Suit on 31.5.2023 for recovery of Rs. 93,66,000/-.

The informant's case is only to pressurize the petitioner and to usurp the amount which to be paid to the petitioner.

Learned counsel for the informant submits that Rs. 35,87,500/- still still remains with the petitioner and in that backdrop, the FIR.

The submission put forward by the rival parties which clearly shows that it is a kind of civil dispute, there is case and counter case, claim and counter claim and in that backdrop, the petitioner having no criminal antecedent, will ultimately have to



face the trial, this Court is inclined to extend him privilege of anticipatory bail.

Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Sadar P.S. Case No. 826 of 2022 to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for



cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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