

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47674 of 2023

Arising Out of PS. Case No.-1535 Year-2022 Thana- NAWADA District- Nawada

RAHUL KUMAR S/O SWARAJYA KUMAR R/O VILLAGE- NEW AREA,
NAWADA, PS. NAGAR, DIST. NAWADA AND PERMANENT RESIDENT
OF VILLAGE- PAKARIA, PS. MUFASSIL, DIST. NAWADA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Pravashankar Mishra, Adv.
For the Opposite Party/s	:	Mr.Md. Ataur Rahman, APP
For the Informant	:	Mr.Vibhuti Ranjan, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 12-09-2023 Heard learned counsel for the petitioner, learned counsel
for the informant and learned APP for the State.

2. The petitioner apprehends his arrest in a case registered
for the offence punishable u/s 406, 420 and 34 of the IPC.

3. Allegedly, the informant purchased a piece of land from
the accused persons including the petitioner after paying
consideration money of Rs.25,50,000/- through sale deed, in
which, Vinay Kumar was the identifier, Swarajya Kumar and
Upendra Kumar were witnesses of the said sale deed. The
informant approached for the mutation of the land then he learnt
that there is no land in the said plot and mutation application
was dismissed. Then informant met the accused persons to



return his entire money i.e. Rs.27 Lacs, then some amount was returned and rest amount has not been returned.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case. There is no specific overt act against the petitioner, who is son of the co-accused Swarajya Kumar, a land broker. He has no concern with the alleged transactions. Petitioner has no criminal antecedent.

5. Learned APP for the State as well as learned counsel for the informant opposed the prayer for bail by submitting that the petitioner and others have signed a bond prepared on behalf of his father with regard to return the alleged amount to the informant but later on they refused to return the same. The land was executed in favour of the informant but he got knowledge that the same was already sold to another person.

6. Having regard to the facts and circumstances of the case and considering that there is a civil/money dispute between the parties, let the above named petitioner, be released on bail, 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 Nawada P.S. Case No.1535/2022, subject to
the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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