

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50276 of 2023

Arising Out of PS. Case No.-1747 Year-2021 Thana- COMPLAINT CASE District- Araria

Sanoj Kumar Das Son Of Late Jyotish Chandra Das Resident Of Village -
Bengali Tola, Ward No.24, Farbesganj, P.S. - Farbesganj, District - Araria

... .. Petitioner/s

Versus

1. The State Of Bihar Bihar, Patna
2. Gautam Kumar Son Of Sunil Kumar Singh Resident Of Brajesh Kumar Mehta, Power House Road, Sangram Tola, P.S.-Forbesganj, District-Araria. Permanent Address C/O Sunil Kumar Singh, Hanuman Nagar, Back Of S.P. Kothi, P.S.-K.Hat, District-Purnea.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Alka Panday
For the State	:	Mr. Ram Priya Sharan Singh
For the Complainant	:	Mr. Ajit Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 13-09-2023 Heard learned counsel for the petitioner and learned

A.P.P. for the State assisted by learned counsel for the

complainant.

2. Learned counsel for the complainant has filed a

counter affidavit in the present case in Court.

3. Let it be kept on record.

4. The petitioner apprehends his arrest in a case

registered for the offences punishable under Sections 406, 420,

120B of the Indian Penal Code.

5. As per the prosecution case, it is alleged that the

petitioner along with other co-accused persons have committed



fraud with the informant.

6. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He submits that the petitioner is the successful bidder of the e-auction conducted by the Bank of Baroda for the mortgaged property and he had already paid the entire auction amount i.e. Rs. 67,49,000/- to the bank and only thereafter the bank issued sale certificate in favour of the petitioner and there is no specific overt act against the petitioner. Similarly situated co-accused, have been enlarged on bail by this Court vide order dated 04.08.2023 passed in Cr. Misc. No. 42207 of 2023. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

7. Learned APP for the State as well as learned counsel for the complainant opposed prayer for anticipatory bail and submitted that the said land inquestion belongs to the complainant and SARFAESI proceeding is pending before the DRT Patna vide S.A. No. 388/22 filed by the complainant for the same cause of action.

8. Considering the facts and circumstances of the



case, arguments of the parties and the fact that similarly situated co-accused has been granted anticipatory bail, 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 Complaint Case No. 1747 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

anand/-

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