

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48128 of 2023

Arising Out of PS. Case No.-429 Year-2022 Thana- BAHADURPUR District- Patna

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ABHISHEK KUMAR @ MANNU SON OF VINAY KUMAR RESIDENT
OF VILLAGE- KRISHNA COLONY, P.S- BAHADURPUR, DISTRICT-
PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Priya Ranjan Prasad
For the State	:	Mr.Shyameshwar Dayal
For the informant	:	Mr. Sanjay Kumar Sharma

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 23-08-2023 1. Heard learned Counsel for the petitioner, learned Counsel for the informant and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Bahadurpur Police Station Case No. 429 of 2022, dated 14.12.2022, disclosing offences punishable under Sections 419/420/385/504/506/34 of the Indian Penal Code.
3. The prosecution case, as per the First Information Report, is that there was a negotiation for sale of a piece of land (07 kathas), belonging to the mother of the petitioner with the informant at the rate of Rs. 7,11,000/- per katha. The allegation is that out of the total consideration amount of



Rs. 49,77,000/-, a sum of Rs. 25,00,000/- was paid by the informant, by way of cash and cheques, to co-accused Sarita Devi and her husband Vinay Kumar. It has further been alleged that the petitioner, being the son of co-accused Sarita Devi, has actively participated in the negotiation.

4. Learned Counsel for the petitioner submits that the petitioner is not the owner of the land, in question. Referring to the agreement for sale (Annexure-2), he submits that it was executed between the mother of the petitioner and the informant. The petitioner was not one of the signatory to the agreement for sale and all the money, according to the informant, was paid either to the mother of the petitioner or her husband. Referring to the supplementary affidavit, he further submits that the legal notice was not sent by the informant to the petitioner; rather, the same was sent to his parents.
5. On the other hand, learned Counsel for the informant opposes the prayer for bail and submits that the petitioner has actively participated in the negotiation and in connivance with his parents, he has also duped huge amount of the informant.



6. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact that the petitioner is not a signatory to the agreement for sale, the money towards consideration amount was not paid to him and the legal notice was also not sent by the informant to the petitioner, I am inclined to grant the petitioner privilege of anticipatory bail.
7. This application is, accordingly, allowed.
8. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Patna City, in connection with Bahadurpur Police Station Case No. 429 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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