

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52044 of 2023

Arising Out of PS. Case No.-6788 Year-2021 Thana- PATNA COMPLAINT CASE District-
Patna

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SIKANDAR PRASAD, Son of Bambam Prasad, Resident of Village-Ramani
Bigha, P.S.-Dhanarua, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. PRAMOD PRASAD, Son of Late Prayag Mahto, Resident of Village-Afni,
P.S.-Kasar, Shiikhpura, District-Sheikhpura. At present resides at the house
of Tarkeshwar Singh, Mahatama Gandhi Nagar, Kanti Factory Road,
Kankarbagh, P.S.-Patrakar Nagar, District-Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arbind Kumar, Advocate
For the Opposite Party/s : Mr.Rajiv Nayan, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 23-08-2023 1. Heard learned counsel for the petitioner and

learned APP for the State of Bihar.

2. The petitioner is apprehending his arrest in

connection with Complaint Case No. 6788(C) of 2021

registered for offence under Sections 406, 420 and 120B of

Indian Penal Code and Section 138 of Negotiable Instruments

Act.

3. As per prosecution case, the complainant entered

into an agreement for sale of his land to the instant petitioner. It

is alleged that an amount of Rs. 8,00,000/- (Eight Lakh Rupees),

which was paid by cheque drawn by co-accused Nagmani Singh



was dishonoured as the payment was stopped.

4. Learned counsel for the petitioner submits that the co-accused was the broker. The amount of cheque issued by him was his liability. Petitioner is the *bona fide* purchaser and there is no allegation that he has not paid his part. The said co-accused Nagmani Singh in fact has owned up his liability, which is obvious from order passed in *Cr. Misc. No. 32156 of 2023* wherein a schedule of payment has been recorded for discharge of the liability by co-accused Nagmani Singh. He has thus been allowed the benefit of anticipatory bail. It is further submitted that the petitioner's case stands on a better footing. He has no antecedents and in view of the order passed in *Cr. Misc. No. 32156 of 2023*, now no liability stands against the petitioner. Even otherwise, the alleged offences are predominantly civil in nature.

5. Learned APP for the State has opposed the prayer for bail.

6. Considering the rival submissions, nature of allegations, order passed in *Cr. Misc. No. 32156 of 2023*, copy of which has been placed on record, as also clean antecedents of the petitioner, this Court is inclined to allow petitioner's prayer for grant of anticipatory bail.



7. Petitioner's prayer for anticipatory bail is allowed.

8. Accordingly, 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 the learned Judicial Magistrate-1st Class, Patna, in connection with Complaint Case No. 6788(C) of 2021, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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