

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48226 of 2022

Arising Out of PS. Case No.-99 Year-2022 Thana- BUXAR MUFFSIL District- Buxar

OM RAVINDRA KUMAR @ CHOTU Son of Laxman Singh R/V- Lalganj,
P.S- Buxar (Muff.) Distt.- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Dr. Kamal Deo Sharma, Adv.
For the Opposite Party/s	:	Mr.Rajendra Prasad Nat, APP
For the Informant	:	Mr. Ravi Ranjan Pandey, Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 12-01-2023 Heard the learned counsel for the petitioner and the learned APP for the State as also the learned counsel appearing for the informant.

The petitioner seeks regular bail in connection with Buxar (Muff.) P.S. Case No. 99 of 2022, registered for the offence punishable under Sections 467, 468, 469, 471, 420 and 406 of the Indian Penal Code.

The allegation is regarding the petitioner and one another person, namely, Kamlesh Kumar Singh, having persuaded the husband of the informant to purchase a land for which a sum of Rs. 1,00,000/- was given to the petitioner and an



agreement to sell was executed. It is also alleged that subsequently, a sum of Rs. 15,00,000/- was also paid to the petitioner, however, there is no proof with regard to the same, nonetheless, it has been alleged that a cheque of a sum of Rs. 28,00,000/- was also given to the co-accused person, namely, Kamlesh Kumar Yadav, apart from a cheque of Rs. 2,00,000/- having been given in the name of one Ravi Shankar, however, the said amount have been misappropriated by the co-accused person, namely, Kamlesh Kumar Yadav and the post dated cheque given to the informant/ her husband has also bounced.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 6.6.2022. The learned counsel for the petitioner has further submitted that a bare perusal of the allegations levelled against the petitioner would show that the dispute in question is purely in the nature of civil dispute



and no criminal offence is made out. Nonetheless, it is submitted that the petitioner is ready and willing to pay back a sum of Rs. 1,00,000/-, which was handed over to him by the husband of the informant, for the purposes of execution of an agreement to sell.

Per contra, the learned APP for the State as also the learned counsel for the informant have though vehemently opposed the prayer for bail, but have not been able to show any evidence to the effect that apart from a sum of Rs. 1,00,000/-, any amount was paid to the petitioner.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials on record, this Court finds that the nature of accusation levelled by the informant in the present case is purely in the nature of civil dispute and moreover, the materials available on record clearly demonstrates that a sum of Rs.



1,00,000/- in cash was paid to the petitioner, which he is ready to refund, hence, I deem it fit and proper to admit the petitioner to the privilege of bail, subject to deposit of a sum of Rs. 1,00,000/- before the learned trial court and further subject to such conditions as may be deemed fit and proper to be imposed by the learned Court of Chief Judicial Magistrate, Buxar in connection with Buxar (Muff.) P.S. Case No. 99 of 2022.

It is needless to state that the informant would be at liberty to withdraw the aforesaid sum of Rs. 1,00,000/-, upon making appropriate application before the Ld. Court below, subject to proper verification by the concerned Court.

The present petition stands disposed of with the aforesaid observations and directions.

(Mohit Kumar Shah, J)

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