

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54613 of 2023

Arising Out of PS. Case No.-1252 Year-2021 Thana- PATNA COMPLAINT CASE District-
Patna

Neeraj Kumar Son Of Late Narwadeshwar Prasad, Resident of Village-
Rental Flat No. 324 Kankarbagh Colony, PS- Kankarbagh, Distt- Patna

... .. Petitioner/S

Versus

1. The State of Bihar
2. Gagan Kumar Son of Late Baleshwar Prasad Singh, Resident of Flat No. 186, Kankarbagh Colony, PO + PS- Kankarbagh, Distt- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Krishna Jha, Advocate

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 13-12-2023 Heard Mr. Raj Krishna Jha, learned counsel

appearing on behalf of the petitioner and Mr. Satya Nand

Shukla, learned APP for the State.

2. Petitioner seeks pre-arrest bail in connection with

Complaint Case No. 1252(c) of 2021, registered for the offences

punishable under Sections 420 & 504 of the Indian Penal Code.

3. Prosecution story, in brief, is that an agreement was

made between the petitioner and the complainant to sale a piece

of land at the total cost of Rs.8 lac but after receiving

Rs.4,50,000/-, the petitioner refused to make registry of the land

in favour of the complainant on one pretext or another.

4. Learned counsel appearing on behalf of the

petitioner submitted that the petitioner has given him instruction

that he wants to return back the amount within a period of four

months, which he had received in terms of agreement dated

05.07.2020 to sale the land, in question.



5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

6. Having considered the rival submissions of the parties and the petitioner is ready to return back the money, the petitioner is directed to be released on **provisional bail** in connection with Complaint Case No. 1252(C) of 2021 subject to conditions as laid down under Section 438(2) of the Cr.P.C. and the learned district court deems fit and proper.

7. If the petitioner files an acknowledgment to that effect of receiving money by the complainant, the provisional bail granted to the petitioner shall be made absolute subject to conditions as laid down under Section 438(2) of the Cr.P.C. and the learned district court deems fit and proper.

8. The court below is directed to verify the criminal antecedent of the petitioner as stated in paragraph no.3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no.3, this order will lose its force automatically.

9. With the above observation/direction, the present application stand disposed of.

(Purnendu Singh, J)

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