

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61153 of 2023

Arising Out of PS. Case No.-680 Year-2022 Thana- BUXAR District- Buxar

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Satyam Kumar Tiwari @ Satyam Tiwari Late Arbind Tiwari Resident Of
Village- M.R.F. Tyre Agency, Ambesdor Hotel, Golumber Road, Buxar, Ps-
Buxar Town, Distt- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sheo Jee Mishra, Advocate

For the Opposite Party/s : Mr. Binod Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 13-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Buxar Twon P.S. Case No. 680 of 2022, registered on 10.12.2022, for the alleged offence under Sections 420, 406/34 of the Indian Penal Code.

03. As per prosecution case, the petitioner agreed to transfer 11 *Kathas* of land in favour of the informant and demanded Rs. 30,00,000/- (thirty lacs) as consideration amount. From the year 2018 to 2020, the informant transferred Rs. 25,00,000/- (twenty five lacs) by way of cheques and also in cash, but the petitioner neither returned the money nor got the land transferred in the name of informant.



04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The informant has lodged this case after four years of the alleged occurrence as the transactions is said to have taken place from 2018 to 2020. The fact of the case is that one Om Prakash Pathak had executed an agreement with petitioner to sell the land belonging to him pertaining to *Thana No. 324, Khata No. 338, Plot No. 1427* having area of 11 *Kathas*. From this person, Om Prakash Pathak, the petitioner got transferred 05 *Kathas* land with aforesaid description in favour of wife of the informant. The informant paid only Rs.10,00,000/- (ten lacs). As per the understanding, the petitioner got transferred 05 *Kathas* of land in the name of wife of the informant but the informant lodged this false case and he wants to grab all eleven *Kathas* of land without making payment even for 05 *Kathas*. The informant is Sub-Inspector in Bihar Police and taking advantage of the police, he has falsely implicated the petitioner in this case. Learned counsel further submits that the falsity of the case is also apparent from the record as the informant has not given any description of land and has made a vague allegation. Even during investigation, the informant has not been able to show the payment of Rs. 25,00,000/- (twenty five lacs) to the



petitioner. So, only Rs. 10 lacs has been transferred in the account of the petitioner. The story of making payment for such huge amount is not believable. Learned counsel further submits that petitioner has got criminal antecedent of two cases.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the nature of dispute predominantly civil and also considering the possibility of false implication, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar/concerned court in connection with Buxar Town P.S. Case No. 680 of 2022, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each



and every date fixed by the court below, if so
required by the learned trial court.

(Arun Kumar Jha, J)

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