

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66332 of 2022

Arising Out of PS. Case No.-605 Year-2022 Thana- LAKHISARAI District- Lakhisarai

SUDHIR KUMAR @ SUDHIR SAW SON OF RAM BALAK SAW R/O
HANUMAN NAGAR, P.S.- KABAIA, DISTT.- LAKHISARAI

... .. Petitioner/s

Versus

1. The State of Bihar
2. RAUSHAN KUMAR SON OF PARMANAND YADAV R/O
LAKHISARAI, P.S.- KABAIYA, DISTT.- LAKHISARAI

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anirudh Kumar Sinha
For the Opposite Party/s : Mr. Kalyan Shankar
Mr. Rabi Bhushan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 13-03-2023 Heard the parties.

The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 406, 387, 420, 467, 468, 471 of the Indian Penal Code.

The prosecution case is that the petitioner informed the informant that a piece of land of one Sahdeo Manjhi are on sale. Upon which the informant paid Rs.8,00,000/- and Sahdeo Manjhi executed an agreement in favour of the informant and friend of informant namely Nishant Raj Singh has also paid Rs.11,00,000/- and an agreement executed in his favour. It is alleged that the informant transferred Rs.21,00,000/- and Rs.2,00,000/- in the account of M/s Hari Ohm Rice Mill. Total



Rs.42,00,000/- was paid by the informant and his friend, when the informant asked to execute the sale deed and measurement of land, accused persons abused and assaulted him and asked him to pay Rs.10,00,000/- on the gun point.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and have committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. He submits that from the perusal of FIR itself, it appears that the said land belongs to one Sahdeo Manjhi and it is also apparent that Sahdeo Manjhi executed an agreement in favour of informant and his friend. He further submits that there is a business transaction between the parties. Learned counsel for the petitioner has filed a supplementary affidavit and has stated in para-3 of the said affidavit that the amount said to be transferred in the account of Rice Mill had a business transaction against the rice purchased from the rice mill by the informant in different dates. The informant is doing work of sale purchase, as also evident from Annexure-4 series of the supplementary affidavit. Petitioner has one criminal antecedent.

Learned APP for the State as well as learned counsel for the informant opposed the prayer for anticipatory bail. It is



submitted by the learned counsel for the informant that the petitioner has suppressed the fact that he has more than one criminal antecedent.

Having regard to the facts and circumstances of the case as there is a business transaction between the parties, let the above named petitioner, be released on bail, in the event of his/her arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Lakhisarai P.S. Case No.605 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

However, learned court below is directed to verify the criminal antecedent of the petitioner before the present case. If the petitioner is found to have more than one criminal antecedent, then his bail bond shall not be accepted by the learned court below.

(Anjani Kumar Sharan, J)

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