

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60291 of 2023

Arising Out of PS. Case No.-296 Year-2023 Thana- BUDDHACOLONY District- Patna

AMIT KUMAR @ AMIT KUMAR TUNNA @ TUNNA S/O LATE
RAJENDRA SINGH VILLAGE- SONAR, PS- RIGA, DIST- SITAMARHI,
BIHAR

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. OM PRAKASH SINGH SON OF LATE INDRA PRASAD SINGH
VILLAGE- MAKHDUMPUR, DIGHA GHAT, PS- DIGHA, DIST- PATNA,
BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Prashant Kumar
For the Opposite Party/s :	Mrs. Madhuri Lata
	Mr. Vijay Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 16-10-2023 Heard the parties.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 420 and other allied Sections of the Indian Penal Code.

3. As per the FIR, a Development agreement was executed between the informant and accused Sarwer Najmi for development of land of informant. A G+4 building was constructed by the developer. As per the terms of agreement, 50-50% flat is to be allotted in between the informant and the developer. The allegation against the petitioner is that he along with other co-accused persons are trying to take illegal



possession over all the flats and when the informant demanded for his share, the accused persons threatened to kill him.

4. 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. There is no specific overt act against the petitioner. He submits that the petitioner purchased the said property from one Manish Kumar and Manish Kumar purchased the same from the developer i.e. co-accused Sarwer Najmi. He further submits that it is a civil dispute between the parties. Petitioner has no criminal antecedent.

5. 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 he filed a counter-affidavit in the present case in which he has stated that the petitioner is also involved in the present case. He further submits that till date the informant has not been given his share as per the alleged agreement.

6. Having regard to the facts and circumstances of the case as well as considering the arguments of 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 Buddha Colony P.S. Case No.296 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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