

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66233 of 2023

Arising Out of PS. Case No.-436 Year-2023 Thana- FORBESGANJ District- Araria

Ram Krishna Sah @ Ram Krishan Sah, Male aged about 40 years, Son Of
Late Ramchandra Sah @ Ramchander Sah, resident Of Village Sadhu
Aashram, Hasanpur P.S. - Raniganj, District - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kishore Bharti, Advocate
For the Opposite Party/s : Mr. Satyendra Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 18-10-2023 Heard Mr. Vijay Kishore Bharti, learned counsel
appearing on behalf of the petitioner and Mr. Satyendra Prasad,
learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Forbesganj P.S. Case No. 436 of 2023 registered for the
offence punishable under Sections 406 and 420 of the Indian
Penal Code.

3. As per the allegation made in the FIR, petitioner
had cheated the informant by breaching the terms of the
agreement with respect to a piece of land, which was entered
into by him and the informant on 08.12.2022.

4. Learned counsel appearing on behalf of the
petitioner submitted that petitioner is innocent and has falsely



been implicated in the present case. He further submitted that petitioner has brought the said agreement on record by way of 'Annexure-2', which shows that both the parties had entered into agreement on 08.12.2022 and the terms of the agreement reveal that the informant has violated the terms and conditions by not making payment of Rs. 22 lacs and in terms of the said agreement, petitioner had become free to sale the land to any other person. Instead of seeking remedy before the competent Civil Court by filing a money suit, the informant has lodged the frivolous FIR. Petitioner has clean antecedent. On these grounds, petitioner seeks to be released on pre-arrest bail.

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

6. Considering the nature of nature of allegation made against the petitioner in the FIR, as well as, the fact that informant has violated the terms and conditions of the agreement by not making payment of Rs. 22 lacs. Petitioner has clean antecedent. I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail with a condition that he will return the advance, if any, which he has received by bank transaction



from the informant, verifiable from the records, in that case, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Araria, in connection with Forbesganj P.S. Case No. 436 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

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 loose its force automatically.

(Purnendu Singh, J)

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