

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72477 of 2023

Arising Out of PS. Case No.-117 Year-2023 Thana- PUNAURA District- Sitamarhi

Balendra Prasad Yadav, Son Of Late Sitaram Ray R/V Harpur Pipra, P.S.
Suppi, Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Humayou Ahmad Khan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 10-11-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in connection with Punaaura P.S Case No. 117 of 2023 dated 09.05.2023 registered for the offence punishable under Sections 420, 406, 467, 468 read with 34 of the Indian Penal Code.

4. The prosecution story in brief is that an agreement to sale pertaining to a land bearing Khata No. 308, Plot No. 138 and area 1.37 decimal situated in village Madhuban, Sitamarhi belonging to one Naveen Kumar, was executed between the petitioner and the informant on consideration of Rs. 10,50,000 per Kattha and Rs. 51,000/- was paid to the petitioner as



advance money (earnest money) with an agreement to pay the balance consideration amount at the time of execution of sale deed on 03.12.2021 and according to the agreement, the informant constructed a boundary wall over the said land. After some times, the petitioner told the informant that the owner of the said land cancelled his flight ticket. The informant talked to the owner of the said land and told him that an agreement was with the petitioner. In the month of August, 2022 the informant met the petitioner who told him " if he is still agree to purchase the said land, then he will talk with a new rate". Thereafter, the petitioner refused to abide by the said agreement and wanted to sell the said land to another person.

5. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. It is further submitted that the petitioner is only a mediator between the informant and the land owner and the petitioner has took only Rs. 51,000/- from the informant as advance consideration amount which was given to the land owner and so, he never misappropriated any amount of the informant. Learned counsel further submitted that the informant never fulfilled the conditions of agreement and did not pay the remaining consideration amount to the land owner on time due to which



the sale deed was not executed on time. It is further submitted that the petitioner is ready to return his advance consideration money. It is a case of civil dispute. The petitioner has no criminal antecedent as stated in para 3 of the bail petition.

6. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

7. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation against the petitioner, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Sitamarhi in connection with Punaura P.S. Case No. 117 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

8. The application stands allowed.

(Chandra Prakash Singh, J)

Nilmani/-

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