

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71305 of 2022

Arising Out of PS. Case No.-103 Year-2022 Thana- VISHNUPAD District- Gaya

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GOPAL PRASAD Son of Late Ram Prasad Resident of Mohalla - Vishnupad
Road, Near Gaya Kupvedi, P.S.- Vishnupad, District - Gaya (Bihar) - 823001.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Singh, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 16-05-2023 Heard Mr. Rakesh Kumar Singh, learned counsel for

the petitioner and Mr. Anuj Kumar Srivastava, learned

Additional Public Prosecutor for the State.

2. Petitioner apprehends his arrest in connection with

Vishnupad PS Case No. 103/2022 dated 09.05.2022 registered

for the offence punishable under Sections 406, 420 of the IPC.

3. As per First Information Report, the son of the

petitioner, Akash Raja and one Rajesh Kumar arrived at the

company of the informant for the purpose of selling 7.5

decimals of land for a total consideration of amount of Rs.

60,35000/- and as per agreement a sum of Rs. 1 Lac was paid in

advance and balance amount of Rs. 59,35000/- was to be paid

after mutation of the land in favour of the purchaser i.e., Vishnu

Buildcon Pvt. Limited. It has further been alleged that when the

husband of the informant went to the Circle Office for getting



the mutation done and for payment of land revenue, he was told that *Khatiyan* given by the petitioner and others were forged and fabricated.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case with oblique motive. He next submits that an undated signed blank cheque was provided to the petitioner by the Company having signature of an authorized signatory, namely, Ravi Chaurasia who happens to be the husband of the informant. The cheques were given against the balance amount of Rs. 59,35000/- with an understanding that the same shall be encashed by the petitioner but the informant before the encashment of the amount has lodged the present FIR on the basis of concocted story and it appears that the informant/company may not be interested in purchase of land sold by the petitioner and in order to harass the petitioner has lodged the present case. Referring to the supplementary affidavit, learned counsel submits that the petitioner is the rightful owner of the land and name of the petitioner is there in Register-2 and rent receipts have been issued in favour of the petitioner upto April 2023. Therefore, the lame excuse has been raised by the informant in the FIR that the *Khatiyan* of the petitioner is forged and fabricated. Insofar as



advance of Rs. 1 Lac given to the petitioner is concerned, learned counsel submits that the same has been deposited in the court below which would be evident from page 10 of the Annexure-3 series to the supplementary affidavit. The copy of the blank cheque has also been produced at Annexure-3 series and during course of hearing, learned counsel produced the original copy of the signed undated blank cheque and submits that the petitioner is ready to return the blank cheque in favour of the informant.

5. Regards being had to the submissions made by the parties, taking into consideration the nature of allegation and the fact that Rs. 59,35000/- has not been withdrawn by the petitioner through the blank undated signed cheque handed over to him and advance amount of Rs. 1 Lac has also been deposited in the learned court below and the petitioner is ready to hand-over the cheque in favour of the informant, I am inclined to grant anticipatory bail to the petitioner subject to the condition that the original blank cheque shall be deposited by him at the time of furnishing bail bond before the concerned court.

6. Accordingly, let the petitioner, named above, in the event of arrest or surrender within four weeks from today, be released on anticipatory bail, on furnishing bail bond of Rs.



10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ms. Sambhavi Shankar, learned Judicial Magistrate- 1st Class, Gaya/the court concerned in connection with Vishnupad PS Case No. 103/2022, subject to the condition as laid down under Section 438(2) CrPC.

(Anil Kumar Sinha, J)

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