

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73535 of 2022

Arising Out of PS. Case No.-245 Year-2022 Thana- CHAKIA District- East Champaran

Ashutosh Kumar, Son Of Krishna Mohan Pandey Resident Of Village-
Nawalpur Godhwara, P.S.- Kathaiyan In The District Of Muzaffarpur

... .. Petitioner/S

Versus

1. The State Of Bihar
2. Sanjeev Kumar, S/o Surendra Pandey, R/o village-Bangari, P.S.-Piprakothi
in the District of East Champaran at Motihari Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar
For the Opposite Party/s : Mr. Tapeswar Sharma
Mr. Abhishek Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 04-07-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in
a case registered for the offences punishable under Sections 420,
406, 327, 504, 506, 120(B) of the Indian Penal Code.

The learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and the informant
alleges that he was duped by the accused persons including the
petitioner of Rs.80,00,000/- in the name of purchasing a land,
which the informant intended to purchase for constructing a
godown. The informant further alleges that he had transferred
Rs.30,00,000/- in the account of the petitioner and rest
Rs.50,00,000/- was given to Ritesh Kumar, his relative working



in Indian Bank and one Nawal Kishor Thakur.

The learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. It is next submitted that informant is related to Ritesh Kumar, who works with the Indian Bank and it was Ritesh Kumar, who had assured the informant that he will provide him with a land for constructing a godown. It is next submitted that since petitioner is also in the business, as such, an amount of Rs.30 Lacs was transferred in the account of the petitioner and his family members. It is further submitted that when the deal of the informant with Ritesh did not go ahead, as such, the petitioner returned an amount of Rs.27 Lacs in the account of the informant and his family members as per direction of the informant. It is further submitted that in the nature of allegation as alleged in the F.I.R., it would manifest that the disputes is civil, but a criminal colour has been given. It is further submitted that if the informant was aggrieved by the fact that the land in question, for which he had paid the amount to the accused persons could not materialize in that event, he had remedies available in law, but then the present F.I.R. came to be instituted.

Learned A.P.P. along with learned counsel for the



informant opposes the bail application, but are not in a position to rebut the submission of the learned counsel for the petitioner that an amount of Rs.27 Lacs has been credited in the account of the informant and his family members by the petitioner as detailed in Para-10 of the anticipatory bail application.

Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Chakiya P. S. Case No.245 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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