

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81300 of 2023**

Arising Out of PS. Case No.-349 Year-2023 Thana- RAMPUR District- Gaya

Ram Kumar Singh Son Of Late Shyam Kishore Singh R/O Village- Jamdi
Tola Jaitiya, P.S.- Cherki, District- Gaya, Bihar, Presently Residing At Vir
Kunwar Singh Colony, Road No.-7, P.S.- Magadh Medical, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surendra Kumar Singh

For the Opposite Party/s : Mr.Ahmad Ali

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

2 18-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 406, 420, 467, 468, 471 and 120B of the Indian Penal Code.

3. As per prosecution case, an agreement was signed between the informant and the petitioner along with his wife(died) and son for purchasing the residential plot and petitioner received Rs. 10,00,000/- as advance money from the informant at informant's residence and petitioner's wife and his son signed as witness. Informant has to buy the said plot within four months of the agreement but the petitioner executed the said plot to one Ajay Kumar and other on dated 03.07.2018 i.e.,



before the fixed time given to the informant and kept him false assurance of doing *Kewala*.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. It is further submitted from para-8 of this petition that it is true that informant had entered into an agreement with the wife of the petitioner (now dead) for sale of a piece of land but the fact is that the informant himself was not ready to purchase the said land for which the agreement was executed and on lieu of said land and money, he got executed another sale with respect to another land by petitioner and his son in his own name. Informant did not feel satisfied from the execution of the said deed and said that the value of land is less than the amount given by him and as a result, he pressurized the petitioner and his sons to execute a sale deed with respect to said land and to settle the entire dispute, the petitioner and his three sons jointly executed the registered sale deed in favour of the informant. It is also submitted from para-13 of this petition that the agreement between the wife of the petitioner and the informant were executed on 20.03.2018 and the present FIR has been filed on 20.05.2023 after more than 5 years of execution of agreement by Babita Devi. There is clear



bad intention of the informant to implicate the petitioner in false FIR. The nature of this case is civil. Moreover, the petitioner is languishing in judicial custody since 07.08.2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Rampur P.S. Case No. 349 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 4th -A.C.J.M., Gaya.

(Sunil Kumar Panwar, J)

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