

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9428 of 2024

Arising Out of PS. Case No.-61 Year-2023 Thana- KATIHAR MUFFASIL District- Katihar

Sanjay Kurmi S/O SRIKANT KURMI R/O VILLAGE- MAHANTNAGAR,
PS.- SAHAYAK, DIST. KATIHAR.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar Prasad, Adv. Mr. Binod Kumar Sinha, Adv.
For the Opposite Party/s :		Mrs. Sharda Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

8 08-07-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Katihar Muffasil P.S. Case No. 61 of 2023 dated 21.03.2023 (G.R. No. 1572/2023) registered for the offences punishable u/ss 406, 420, 467, 468, 471, 120B of the Indian Penal Code.

3. As per the prosecution case, an agreement was signed by the informant and the co-accused, Director of the Company namely Narayan Mallick whereby land was agreed to be sold by the co-accused to the informant on a consideration money of Rs. 20,84,825 /- and allegedly Rs. 11,00,000/- was paid to the co-accused, Narayan Mallick as earnest money. But the



accused persons denied to execute a registered sale deed and did not refund the said amount. Accordingly, the petitioner and the co-accused persons cheated the informant. The petitioner was working as a broker (agent).

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The occurrence took place on 12.01.2021 but the F.I.R was lodged on 21.03.2023 after delay of 3 years without any explanation. It is further submitted that the petitioner is the office boy and has only introduced the co-accused person namely Narayan Kumar Malik who being the Director of Manokamna Infra Pvt. Ltd. is involved in selling and purchasing of land and all the transaction has been made by way of cheque in favour of Narayan Kumar Malik. The petitioner neither received any money from the informant nor involved in sale and purchase of land. Learned counsel has further submitted that the petitioner has no concern with the alleged offence. The petitioner has four criminal antecedents as stated in para 3 of the bail petition. The petitioner is in custody since 08.05.2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances



of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Katihar in connection with Katihar Muffasil P.S. Case No. 61 of 2023 (G.R. No. 1572/2023) with the following conditions :-

- (i) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, his bail bond is liable to be cancelled.
- (iii) If the petitioner is found involved in similar nature of offence in future, the prosecution will be at liberty to move for cancellation of his bail bond.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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