

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6321 of 2024

Arising Out of PS. Case No.-413 Year-2023 Thana- KAJI MUHAMMADPUR District-
Muzaffarpur

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Amit Kumar Jaiswal son of Shambhu Choudhary R/o- Rambagh Chowdi Ps-
Mithanpura Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. N. K. Agrawal, Sr. Advocate Mr. Arvind Kumar, Advocate Mr. Kumar Rajdeep, Advocate Ms. Diksha Kumari, Advocate
For the State	:	Mr. Md. Matloob Rab, APP
For the informant	:	Mr. Santosh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 17-02-2024 Heard Mr. N. K. Agrawal, learned senior Advocate

along with Mr. Arvind Kumar, Mr. Kumar Rajdeep and Ms.
Diksha Kumari, learned counsels appearing on behalf of the
petitioner; Mr. Md. Matloob Rab, learned APP for the State and
Mr. Santosh Kumar, learned counsel for the informant.

2. The petitioner seeks pre-arrest bail in connection
with Kazzi Mohammadpur P.S. Case No. 413 of 2023 dated
06.10.2023 registered for the offence(s) punishable under
Sections 406, 420, 387 of the Indian Penal Code and Section
138 of the N.I. Act.

3. As per the written complaint, the allegation is that
of not returning back rupees twenty six lacs, which was



willingly given by the complainant/informant to the petitioner for sale and purchase of land relating to Khata No.233, Khesra No.681, 557, an area of 22 decimals, but for some reason, the sale deed was not executed.

4. Learned senior counsel appearing on behalf of the petitioner submitted that petitioner accepts that he has received rupees twenty one lacs by means of cheque or RTGS, out of which, as per the FIR itself, he has returned rupees five lacs to the informant and for the balance amount of rupees sixteen lacs, the petitioner is ready to pay the same in instalment and as such petitioner seeks provisional bail, subject to the confirmation of the bail after payment of the entire amount by the petitioner.

5. Mr. Santosh Kumar, learned counsel, has tendered his appearance on behalf of the informant/complainant and submitted that the informant has, in fact, given the total consideration amount of rupees twenty six lacs for sale of the land in question, and he admits that rupees five lacs were paid in cash and the petitioner is liable to pay the balance amount within a specific period.

6. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

7. Having considered the rival submission made on



behalf of the parties, as well as, the allegation made in the FIR, which is primarily of civil in nature and no sale deed has been executed and also the fact that petitioner has agreed to return the entire balance amount which is accounted, preferably within a period of four months and not beyond a period of six months, the petitioner, above named, is directed to be released on pre-arrest **provisional bail**, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-I(East), Muzaffapur in connection with Kazzi Mohammadpur P.S. Case No. 413 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. Once the petitioner returns back the entire amount to the informant by demand draft or any instrument which is acceptable in accordance with law, preferably within a period of four months and not beyond a period of six months and thereafter he files an affidavit to the said effect before the trial court, as the manner in which it has been recorded in the order, the provisional bail shall be made absolute by the trial court on such terms and conditions, as the court below deems it fit and proper.



9. In case of failure, this order will lose its force and the bail bond of the petitioner shall be cancelled and he must be taken into custody forthwith.

10. With the aforesaid observation/direction, the application stands disposed of.

(Purnendu Singh, J)

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