

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21705 of 2024

Arising Out of PS. Case No.-400 Year-2023 Thana- DUMRAO District- Buxar

Arvind Kumar Gupta S/O Late Lalan Sah R/O Village- Naya Bhojpur, P.S-
Dumraon (O.P Naya Bhojpur), Distt.- Buxar.

... .. Petitioner

Versus

1. The State Of Bihar
2. Rishikesh Singh S/O Visheswar Singh R/O Mohalla- Dumraon, Ward No. 5,
P.S- Dumraon, Distt.- Buxar.

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Rang Nath Choubey, Advocate

For the Opposite Party/s : Mr. Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-04-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Dumraon P.S. Case No. 400 of 2023, registered on 11.10.2023, for the alleged offence under Sections 420, 406, 467, 468, 504, 506/34 of the Indian Penal Code.

03. As per prosecution case, the complainant /informant made payment of Rs. 24,00,000/- in the account of the petitioner on his assurance to transfer his 02 *katha* 05 *dhur* land and thus cheated him of the said money.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. Learned counsel further submits that the mother of the petitioner has executed two sale deeds on 19.02.2022 for 01 *katha* and one *katha* 02 *dhur* of land, respectively, in favour of Manti Devi and Manjita Kumari. The informant acted as broker and as the mother of the petitioner was not having an account of her own, the money was transferred in the account of the petitioner. The vendee Manjita Kumari finally transferred an amount of Rs. 3,00,000/- from her account to the account of the petitioner over the aforesaid land deal. The petitioner has not entered into any agreement to sale of land with the informant and the informant has not also not disclosed about the source of his fund. Learned counsel further submits that the informant has not proved that he transferred the amount for purchase of land from the petitioner on his own. The informant wants major share out of the sale proceeds of the land sold by the mother of the petitioner and in order to pressurize the petitioner, this false case has been lodged. The petitioner has got no criminal history.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the civil nature of dispute, let the petitioner above named, in the



event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar/concerned court in connection with Dumraon P.S. Case No. 400 of 2023, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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