

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13204 of 2024

Arising Out of PS. Case No.-355 Year-2023 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Gauri Shankar Tiwari Son of Late Ram Swarath Tiwari Resident of Village-
Dudhpura, P.S.- Samastipur Muffasil, District- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ramakant Rai Son of Late Hajari Rai Resident of Village- Kursaha, P.S.-
Mohiuddin Nagar, District- Samastipur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anirudh Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Rajendra Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 12-03-2024 Heard learned counsel for the petitioner and the State.

2. Petitioner apprehends arrest in a case registered for
the offences punishable under Sections 406, 420 of the Indian
Penal Code.

3. According to F.I.R., the son of the complainant, on
an agreement, got executed the land on a consideration amount
of Rs. 29,50,000/-. It is alleged that this petitioner took Rs.
4,11,000/- from the son of the complainant but later on the land
in question was found to be disputed. When son of the
complainant requested to return the advance money, this
petitioner returned Rs. 2,00,000/- and refused to return the
remaining amount of Rs. 2,11,000/-.



4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. As a matter of fact, entire advance money i.e. Rs. 4,11,000/- has been returned to the son of the complainant by the petitioner. Moreover, dispute is of civil nature and petitioner has been made accused only with a view to harass the petitioner.

5. Considering the backdrop of the case, this anticipatory bail is allowed and it is ordered that let the above named petitioner in the event of his arrest/surrender before the court below within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate-II, Samastipur in connection with Samastipur Mufassil P. S. Case No. 355 of 2023, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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