

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19257 of 2024

Arising Out of PS. Case No.-378 Year-2023 Thana- MOUZAHDIPUR District- Bhagalpur

1. Mithilesh Mandal Son Of Saryug Mandal R/O-Urdu Bazar Road, Near Durga Mandir Gali, P.S.-TATARPUR, Distt.-BHAGALPUR, At Present Harijan Tolla, Behind Uco Bank, P.S.-BABARGANJ, Distt.-BHAGALPUR
 2. Ashish Kumar Son Of Mithilesh Mandal R/O-Urdu Bazar Road, Near Durga Mandir Gali, P.S.-TATARPUR, Distt.-BHAGALPUR, At Present Harijan Tolla, Behind Uco Bank, P.S.-BABARGANJ, Distt.-BHAGALPUR
- Petitioner/s

Versus

1. The State of Bihar
 2. Dinesh Kumar Keshari S/o Late Narayan Keshari R/o Punsiya Bazar, P.S. - Rajaua, Distt. - Banka, at present R/o Kamal Nagar Colony, Mirzahat Road, P.S. - Babarganj, Distt. - Bhagalpur
- Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyam Kishor Das, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 10-07-2024 Heard learned counsel for the petitioners and the State.

2. Petitioners apprehend arrest in a case registered for the offence punishable under Sections 406, 420, 504, 506/34 of the Indian Penal Code.

3. Allegation against the petitioners is that petitioner no. 2 entered into an agreement with the informant for purchase of land in the sum of Rs. 46 lacs and the informant paid advance amount of Rs. 28,21,000/- in his bank account. Thereafter, petitioner No. 2 refused to execute the sale deed and also refused to return the money.



4. Learned counsel for the petitioner submits that the allegations made in the F.I.R. are predominantly civil in nature. No acts, as mentioned in the F.I.R., allegedly committed by the petitioners, give rise to any criminal liability. He next submits that out of total advance money of Rs. 18,01,000/-, petitioner has returned Rs. 4,35,000/- through online transaction and the rest amount has also been returned in cash. Petitioners claim clean antecedent.

5. Considering the aforesaid contention made on behalf of the petitioners, this anticipatory bail is allowed and it is ordered that let the above named petitioners in the event of their 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) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Bhagalpur in connection with Mojahidpur (Babarganj) P. S. Case No. 378 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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