

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22552 of 2024

Arising Out of PS. Case No.-874 Year-2018 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Phool Kumar Jha, aged about 50 years, Male, Son of Late Ram Bharosh Jha,
Resident of Village - Mahishi, P.S.- Bibhutipur, District - Samastipur.

... .. Petitioner

Versus

1. The State of Bihar.
2. Hanuman Jha, aged about 65 years, Male, Son of Late Satyadev Jha,
Resident of Village - Mahishi, P.S.- Bibhutipur, District - Samastipur.

... .. Opposite Parties

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Appearance :

For the Petitioner : Mr.Raja Ram Mishra, Advocate
For the State : Mr. Chandra Sen Prasad Singh, A.P.P.

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

ORAL ORDER

2 22-04-2024 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Complaint Case No. 874 of 2018 dated
20.12.2018 in which cognizance has been taken for the offences
punishable under Sections 406 and 417 of the I.P.C.

3. As per the prosecution case, an oral agreement took
place between the parties for selling a piece of land on a
consideration money Rs. 1,00,000/-. Out of which, the
complainant paid Rs. 75,000/- to the petitioner and when the
complainant asked the petitioner to execute a sale deed after
taking the rest amount Rs. 25,000/-, he refused to execute the



sale deed. In a panchayati, he also refused to execute the sale deed and the complainant was cheated by the petitioner.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. It is submitted that the occurrence took place on 09.12.2018 and the complaint has been filed on 20.12.2018 after a lapse of 11 days for which no explanation has been given by the prosecution. It is further submitted that there is nothing on record that the complainant has filed any documents showing that the petitioner took Rs. 75,000/- from the complainant. It is a case of civil dispute. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned J.M. Ist Class, Rosera, Samastipur in connection with Complaint Case No. 874 of 2018, subject to the condition as



laid down under Section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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