

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18884 of 2024

Arising Out of PS. Case No.-161 Year-2023 Thana- VISHNUPAD District- Gaya

Binay Kumar son of Awadhesh Kumar Village- Morabbichak Ps- Nimchak
Bathani Dist- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sobha Devi wife of Ashok Kumar Village- Tedibag Ps- Vishnupad Dist-
Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Aryan Singh, Advocate
For the Opposite Party/s :	Mr. Brajendra Nath Pandey, A.P.P. Mr. Vinod Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 10-07-2024 Heard learned counsel for the parties.

2. Petitioner apprehends arrest in a case registered for the offences punishable under Sections 406, 420 of the Indian Penal Code and Section 138 of the Negotiable Instruments Act.

3. It is alleged that this petitioner entered into an agreement with the informant for sale of property and had received part consideration money for registration of the same. Thereafter, this petitioner refused to register the property in favour of the informant and also failed to refund the amount.

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



petitioner, give rise to any criminal liability. However, without admitting his guilt, at this stage, petitioner is ready to refund the amount of Rs. 5 lacs in the court below, in easy installments.

5. Considering the aforesaid contention made on behalf of the petitioner, 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 Judicial Magistrate, 1st Class, Gaya in connection with Vishnupad P. S. Case No. 161 of 2023, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure with direction to the petitioner that :-

(i) Petitioner shall deposit Rs. 1,00,000/- (Rs. One Lac) through Bank Draft in the *Nazarat* of the court below and produce its receipt at the time of furnishing bail-bond and thereafter, rest amount i.e., 4,00,000/- (Rs. Four Lacs) shall be deposited in four equal installments of Rs. 1,00,000/- (Rs. One Lac) each within six months through Bank Draft in the *Nazarat* of the court below, failing which, the learned court below shall be at liberty to cancel the bail-bond.



6. It is made clear that without going into the merit of the case, this order has been passed only for the purpose of bail and payment of aforesaid amount shall be subject to the final outcome of the case.

(Prabhat Kumar Singh, J)

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