

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21437 of 2024

Arising Out of PS. Case No.-11 Year-2024 Thana- BUXAR District- Buxar

Ajit Prasad Son Of Late Lallu Prasad Resident Of Village- Kajipur, Ps- Simri,
Distt- Buxar At Present Resident Of Village- Gaderi Tola, Ward No. 13, Ps-
Dumraon, Distt- Buxar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Itaff Hussain Son Of Late Haider Hussain Resident Of Village- Shaheed Gate, Old Thana, Ps- Dumraon, Distt- Buxar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Digvijay Kumar Ojha
For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

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

2. The petitioner apprehends his arrest in a case registered for offence under Sections 406, 420, 467, 468, 34 of the Indian Penal Code.

3. It is alleged that suppressing the dispute about the land in question, on receiving an amount of Rs. 16,80,000/- in the account of petitioner, the father of the petitioner executed sale-deed in favour of the informant/opposite party no. 2 in the year 2013.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence and has



been falsely implicated in this case only with a view to extort money. Petitioner is neither executor nor identifier or witness of the alleged sale-deed, which was registered on 11.11.2013 in favour of the informant. He further submits that the present F.I.R. has been lodged after a delay of more than 10 years on 05.01.2024 without there being any plausible explanation of delay. The dispute is purely of civil nature. There is no allegation of any fraudulent and dishonest intention at the beginning of the transaction and mere inability of the petitioner to return the amount cannot give rise to a criminal prosecution for cheating. Petitioner has got clean antecedent.

5. Learned A.P.P. for the State has opposed the bail petition and submitted that at the time of execution of sale-deed, the Probate (Revocation) Case No. 01 of 2008 in connection with land in question has not been disclosed by the petitioner.

6. However, considering the aforesaid facts and circumstances as well as the fact that dispute is purely of a civil nature and petitioner has got clean antecedent, the prayer for anticipatory bail of petitioner is allowed.

7. Let the above named petitioner, in the event of arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten



thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Buxar in connection with Buxar (Town) P.S. Case No. 11 of 2024, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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