

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32027 of 2024

Arising Out of PS. Case No.-459 Year-2023 Thana- SIKARPUR District- West Champaran

Sheshnath Yadav SON OF Late Kuwardeo Raut RESIDENT OF VILLAGE-
KHODI NANDPUR, WARD NO. 04, PS- SHIKARPUR, DIST- WEST
CHAMPARAN

... .. Petitioner/s

Versus

1. The State of Bihar
2. ANIL KUMAR BARNWAL SON OF LATE RAMASHANKAR PRASAD
RESIDENT OF VILLAGE- PRAKASH NAGAR, WARD NO. 13, PS-
SHIKARPUR, DIST- WEST CHAMPARAN

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Umesh Chandra Verma Mr. Hemant Ray
For the Opposite Party/s	:	Mr. Sanjeev Kumar Md. Dilshad Alam Mr. Bharti Rai Mr. Sitesh Kashyap
For the State	:	Mr. Zainul Abdin

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 22-10-2024
1. Heard learned Counsel for the petitioner, learned counsel
for the informant and learned Additional Public
Prosecutor for the State.
 2. This application, for grant of anticipatory bail, arises out
of Shikarpur Police Station Case No. 459 of 2023, dated
02.06.2023, disclosing offences under Sections
406/420/34 of the Indian Penal Code.
 3. The prosecution case, as per the First Information Report,
is that the petitioner, along with other co-accused persons,
took a sum of Rs. 75 Lakh from the informant for the



purpose of selling a piece of land, but subsequently they refused to transfer the land and/or return the amount, in question, and also threatened the informant when the he demanded the money back.

4. Learned counsel for the petitioner submits that the similarly situated co-accused person, namely, Shailesh Paswan, has been granted anticipatory bail by a Co-ordinate Bench of this Court in Cr. Misc. No. 62841 of 2024. He further submits that there is no proof of payment of money in favour of the petitioner and/or any agreement for sale between the petitioner and the informant.
5. On the other hand, learned counsel for the informant vehemently opposes the prayer for anticipatory bail of the petitioner and submits that the informant, after selling his land, paid a total sum of Rs. 75 Lakh in favour of the petitioner and other accused persons, however, the petitioner and the co-accused persons, with an intention to misappropriate the amount of the petitioner, refused to return the amount and/or execute the sale deed in his favour.
6. Having regard to the submissions made on behalf of the



parties and taking into consideration the fact that similarly situated co-accused person has been granted anticipatory bail by a Co-ordinate Bench of this Court, I am inclined to grant the petitioner privilege of anticipatory bail.

- 7. This application is, accordingly, allowed.
- 8. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released 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 learned Chief Judicial Magistrate-I, West Champaran at Bettiah, in connection with Shikarpur Police Station Case No. 459 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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