

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35975 of 2024

Arising Out of PS. Case No.-5645 Year-2023 Thana- PATNA COMPLAINT CASE District-
Patna

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Satyam Kumar Sharma @ Anupam Kumar @ Anupam Kumar @ Satyam S/o
Nawal Kishore Sharma R/o Flat no. 305, Divyansh Enclave, Bazar Samiti,
P.S. - Bahadurpur, Distt - Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sanny Jems S/o Late K.C. Jems R/o Mohalla - Alka colony, Sandalpur Road,
P.O. - Mahendru, P.S. - Sultanganj, Distt. - Patna, At present Sri Padam
Society Paidee, Sri Krishnapuram, P.O. - Palakandu, Distt. - Kerala, Pin
679513, Mob No. 7907837793

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Raj Krishna Jha, Advocate
For the O.P. NO. 2	:	Mr. Dhaneshwar Pd. Gupta, Advocate
For the Opposite Party/s	:	Mr. Zainul Abedin, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 26-06-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
C.A. Case No. 5645(C) of 2023 instituted for the offence
punishable under Section 420 of the Indian Penal Code.

3. The prosecution case, in short, is that the
complainant and his wife being acquainted with the petitioner
impressed upon him to purchase a flat and the complainant paid
Rs. 28,42,000/- for the same, but the petitioner did not give
possession of the flat to them and sold the flat to another person



in the year 2016. The petitioner denies the payment as alleged by the complainant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that the agreement has been executed between the complainant and M/S Arvina Construction Pvt. Ltd. Company through his Chairman-cum-Managing Director. It is further submitted that from perusal of paragraph 2 of the complaint petition, it is admitted that there was very good relation between both the family and on request of complainant, the petitioner introduced the complainant with the Director of Arvina Construction in the year 2010 in good faith but after that petitioner has no concern with the complainant as well as accused persons. It is also clear from paragraph 12 of the complaint petition that the agreement dated 01.07.2011 was extended till 07.02.2021 and a fresh agreement was prepared on 07.02.2021. It is further submitted that neither the petitioner is an identifier nor witness to the alleged execution of agreement deed. It is further submitted that it is also clear from the complaint petition itself that the petitioner got the complainant introduced to accused No. 2 to 4 named in the F.I.R. in the year 2010. The complaint case was filed on 16.06.2023 i.e. after



lapse of about 13 years, the name of the petitioner has been inserted in the complaint petition. Lastly, it has been submitted that the petitioner has no criminal antecedents.

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

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with C.A. Case No. 5645(C) of 2023, he/they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-VIIIth, Patna, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

Sankalp/-

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