

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44633 of 2024

Arising Out of PS. Case No.-476 Year-2023 Thana- RAMPUR District- Gaya

JITENDRA YADAV @ HIPPI YADAV SON OF LATE KISHORI YADAV
RESIDENT OF MOHALLA - GEWAL BIGHA, P.S. - RAMPUR, DISTRICT
- GAYA

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. VIJAY KUMAR SON OF LATE MANOJ KUMAR RESIDENT OF
VILLAGE - NARAYANGADH, P.S. - RAMPUR, DISTRICT - GAYA

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Madhukar Anand
For the Opposite Party/s	:	Mr. Pawan Kumar Chaurasia
For the Informant	:	Mr. Praveen Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 27-08-2024 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel appearing on behalf of
the informant.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 406, 420,
467, 468, 469 and 471 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of six cases, but then he has been
acquitted in two cases.

4. The learned counsel for the petitioner submits that
the informant alleges that on 14.06.2021, father of the informant
had entered into an agreement for sale and purchase of land with
the petitioner and the price of the land was fixed at Rs. 9 Lakhs



per *Katha* out of which Rs. 9,34,000/- was given to the petitioner till 05.05.2022, further it is alleged that the informant's father discovered that the petitioner had entered into an another agreement with two other persons for sale, purchase of the same piece of land and thus refused to buy the property and started demanding his money, but it was not returned by the petitioner.

5. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that the informant alleges that his father had entered into an agreement with the petitioner for purchasing a piece of land, but later he discovered that the petitioner had entered into an agreement with two other persons based on which the father of the informant did not intend to purchase the land, but then it is submitted that the name of the persons with whom the petitioner had entered into an agreement prior to entering into an agreement with the father of the informant, is not disclosed. It is also submitted that if what has been alleged is true, in that event the father of the informant would have instituted a case. It is next submitted that though it is alleged that the father of the



informant died, but then the date of death is not disclosed in the FIR which casts an aspersion on the case of the prosecution. It is next submitted that petitioner will not abscond rather will co-operate in the investigation to prove his innocence.

6. Learned A.P.P. for the State and the learned counsel appearing on behalf of the informant oppose the prayer for anticipatory bail of the petitioner, but then are not in a position to rebut the submissions of the learned counsel appearing on behalf of the petitioner that the name of the persons with whom it is alleged that petitioner entered into an agreement subsequent to the agreement entered with his father is not disclosed and his father did not institute any case when he came to know about the said fraud.

7. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Rampur P.S. Case No. 476 of 2023 subject to the conditions as laid down



under Section 438 (2) of the Cr.P.C.

8. One of the bailors of the petitioner shall be his maternal nephew, Aditya Kumar.

9. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that petitioner despite giving assurance to this Court is not co-operating in the investigation or is not presenting himself as and when required, in that event the learned Trial Court shall be at liberty to forthwith cancel the bail bonds of the petitioner.

10. Let a copy of this order be sent to the concerned police station through the learned Trial Court.

11. Accordingly, the instant anticipatory bail application stands allowed.

(Satyavrat Verma, J)

Rishabh/-

U		T	
---	--	---	--

