

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38371 of 2024

Arising Out of PS. Case No.-34 Year-2024 Thana- SASARAM NAGAR District- Rohtas

SONU KUMAR SON OF RAM AWADH SINGH VILLAGE-
BANRASIYA , PS- SASARAM (M) , DIST- ROHTAS

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. THE CHIEF MANAGER BANK OF BARODA SASARAM PS-
SASARAM TONW, DIST- ROHTAS BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Rajani Kant Singh, Advocate
For the State	:	Mr. Mohammed Arif, APP
For Opposite Party No.2	:	Mr. Nishi Nath Ojha, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 23-09-2024 Heard Mr. Rajni Kant Singh, learned counsel appearing on behalf of the petitioner, Mr. Mohammed Arif, learned APP appearing on behalf of the State and Mr. Nishi Nath Ojha, learned counsel appearing on behalf of Opposite Party No. 2.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 420, 465, 467, 471 and 120B of the Indian Penal Code.

3. As per prosecution case, co-accused Jay Prakash Gupta had availed a loan of Rs. 1,00,73,000/- from the Bank against the mortgaged property. Thereafter, out of 9 decimals of mortgaged property, 2.25 decimals of land was sold to this



petitioner.

4. It is submitted by learned counsel appearing on behalf of the petitioner that petitioner is innocent and has committed no offence. Petitioner is a *bona fide* purchaser and had purchased 2.25 decimals of the land in question on 12.12.2023 through registered sale deed bearing Deed No. 18046, after payment of the consideration money. As a matter of fact, co-accused Jay Prakash Gupa did not disclose about the mortgage of the property and as such, petitioner himself has become victim and has been cheated by co-accused person.

5. On the other hand, learned A.P.P. for the State and learned counsel appearing on behalf of the Bank have vehemently opposed the prayer for grant of anticipatory bail to the petitioner and submitted that petitioner is named in the F.I.R. and there is specific accusation of fraud and cheating against this petitioner as he fraudulently and under criminal conspiracy, purchased the mortgaged property from co-accused Jay Prakash Gupta even after having full knowledge that the property is mortgaged with the Bank in lieu of loan.

6. Considering the rival submissions advanced on behalf of learned counsels for the parties, the fact that petitioner



is a *bona fide* purchaser of the land in question and he is in no way concerned with the transaction between co-accused Jay Prakash Gupta and the Bank, the prayer for grant of anticipatory bail to the petitioner is allowed.

7. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named petitioner 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 learned Chief Judicial Magistrate, Rohtas at Sasaram, in connection with Sasaram Town P.S. Case No. 34 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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