

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44386 of 2024

Arising Out of PS. Case No.-561 Year-2022 Thana- MOTIHARI TOWN District- East
Champaran

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Sudhir Kumar Srivastava @ Sudhir Srivastava Son of Harihar Prasad R/O
VILL. - GOPALPUR, WARD NO. 34, P.S. - MOTIHARI TOWN, DIST. -
EAST CHAMPARAN

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madhurendra Kumar, Adv.

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 21-08-2024 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 the offences punishable under Sections 406, 420, 467, 468, 471, 120(B), 34 of the Indian Penal Code.

3. The prosecution case, in brief, is that the petitioner met with the father of the informant as a land broker for execution of a sale deed in favour of the informant and his brother. Thereafter both the parties agreed for the transfer of land @ 42,00,000/- per *katha*. The father of the informant paid Rs. 84,00,000/- to the land owner Neel Kamal Verma by cheque and cash, but when the informant applied for mutation, he came to know that the land in question belongs to the State of Bihar. Thereafter, when



the informant demanded his money back from co-accused persons, they refused to return the amount and also threatened him of bad consequences.

4. It is submitted by learned counsel for the petitioner that the petitioner is quite innocent and has committed no offence. No such occurrence as alleged has ever taken place. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. There is specific overt act against co-accused Neel Kamal Verma. It is further submitted that not a single penny has been transferred to the petitioner by the informant's side. It is evident from bare perusal of the FIR that petitioner was only offered to negotiate the deal, except the same he has no role in the alleged occurrence. He further submits that petitioner has eight criminal antecedents as mentioned in para 3 of the bail application.

5. Learned APP for the State opposes the prayer for bail.

6. Having regard to the facts and circumstances of the case, as not a single penny has been transferred to the petitioner by the informant's side, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the



learned Court below within a period of six weeks from today, on
furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five
Thousand) with two sureties of the like amount each to the
satisfaction of the learned Court below where the case is
pending/successor Court in connection with Motihari Town P.S.
Case No. 561 of 2022, subject to the condition as laid down
under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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