

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45088 of 2024

Arising Out of PS. Case No.-88 Year-2024 Thana- BUXAR District- Buxar

AMAR NATH VERMA @ AMAR VERMA S/O RAJEDNRA VERMA R/O
BANGALAGHAT BUXAR, P.S- BUXAR TOWN, DISTT.- BUXAR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Shankar Pathak
For the Opposite Party/s : Mr. Anant Kumar 1
For the informant : Mr. Shubhangi Pandey

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 24-07-2024 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Buxar Town Police Station Case No. 88 of 2024, disclosing offences under Sections 406, 402, 34 of the Indian Penal Code.
3. As per the First Information Report, the petitioner promised to sell a piece of land situated near the land of the informant for which the informant paid a sum of Rs. 10 lacs in cash and handed over gold worth Rs. 13 lacs to the petitioner. A sum of Rs. 1,60,000/- was also given to the petitioner by the informant in his bank account. It has further been alleged that the petitioner refused to execute sale deed in favour of the informant despite having received the sale account.



4. Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in the present case on account of the fact that the petitioner was working as a salesman in the jewellery shop of the informant. The petitioner left the job due to which, certain amounts could not be realized by the informant from the retailers to whom the gold was given for sale. The petitioner is not having any piece of land particularly near the land of the informant and during course of investigation, I.O. has stated in the case diary that no land, belonging to the petitioner, was found near the land of the informant. There is no written agreement between the petitioner and the informant having khata number, plot number and also there is no proof of handing over money to the petitioner.
5. On the other hand, learned counsel for the informant vehemently opposes the prayer for bail and submits that the petitioner deceived the informant by taking a huge amount of Rs. 24 lacs and odd. The petitioner promised the informant to execute the sale deed for a piece of land and on his assurance/promise, the informant paid the amount in question in favour of the petitioner. The petitioner was not working as an employee of the



informant but he is a wholesaler dealing in gold.

6. Having regard to the submissions made on behalf of the parties and taking into consideration the specific statement of the petitioner that the petitioner is not the owner of any piece of land in the locality and further there is no proof of payment of huge amount in favour of the petitioner by the informant, 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) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar, in connection with Buxar Town Police Station Case No. 88 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

HarshPandey/-

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