

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50999 of 2024

Arising Out of PS. Case No.-7580 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

=====

Nitesh Kumar Son of Late Shambhu Prasad Resident of Tinpulwa, Gaya Line
Road, Chandpur Bela, P.S.- Jakanpur, District - Patna, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rohit Kumar Son of Sri Dinesh Tiwari Resident of Village - Koiribigha,
P.S.- Janipur, District - Patna.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Rajan Ghoshrahe, Advocate
		Mr. Mrityunjay Kumar, Advocate
For the Opposite Party/s :		Mr. Uday Chand Prasad, APP

=====

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 21-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Complaint Case No. 7580 of 2022 dated 27.06.2022 instituted for
the offence punishable under Section 420, 406 of the Indian Penal
Code.

3. The prosecution case, in short, is that the complainant
and the accused persons entered into an agreement dated
14.06.2018 for sale of the land measuring 3 katha 10 dhurs. At the
time of agreement, rupees one lakh through cheque was paid to the
accused persons and the rest amount was to be paid within six
months. Later on, from 20.08.2018 to 14.07.2020, the complainant



paid 6.5 lakh rupees in cash to the accused persons, but they did not execute the sale deed.

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 petitioner is a government servant and there is no allegation against the petitioner. In fact, the agreement to sale was executed between the mother of the petitioner and the complainant. The said agreement to sale was executed on 14.06.2018 for sale of 3 kathas 10 dhurs on consideration of 6.50 lakh rupees. Learned counsel for the petitioner further submits that at the time of execution of agreement to sale, one lakh rupees was given to the mother of the petitioner. Petitioner has not received a single pie from the complainant. Agreement in question was entered in the year 2018 while the complaint has been filed in the year 2022 without any plausible explanation of the delay. Allegation against the petitioner is of civil in nature. No offence under section 420 of the Indian Penal Code is made out against the petitioner. Lastly, it has been submitted that petitioner has no criminal antecedents.

5. On the other hand, learned A.P.P. for the State has opposed the prayer for anticipatory 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 Complaint Case No. 7580(c) of 2022, he will be released on 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 Judicial Magistrate, First Class, Patna, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

premchand/-

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

