

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57327 of 2024

Arising Out of PS. Case No.-613 Year-2022 Thana- GARDANIBAG District- Patna

Alok Kumar Rai @ Alok Gaurav Son fo Arbind Kumar Rai R/V- Diggi- Kala
Near Railway Gumti, P.S.- Sadar, Distt.- Vaishali At Hajipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Tanya Wife Of Prasant Kumar Manish R/V- Flat No. 202, Kumar Residency
Pruvi Shashtri Nagar, P.S.- Gardanibag, Distt.- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nagendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Umeshanand Pandit, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 18-09-2024 Heard learned counsel for the petitioner and Mr.
Umeshanand Pandit, learned A.P.P. for the State.

2. Petitioner apprehends arrest in a case registered for
the offences punishable under Sections 406, 402/34 of the
Indian Penal Code.

3. According to F.I.R., allegation against this
petitioner is that he refused to execute sale deed in favour of the
informant even after receiving the consideration money. It is
further alleged that petitioner also sold out the property in
question to others.

4. Learned counsel for the petitioner submits that
petitioner has falsely been implicated in this case only with a



view to extort money. As a matter of fact, husband of informant is a broker and played the role of mediator to sell the ancestral property of petitioner situated at Muzaffarpur in *Mauza* Bhagwanpur, *Khata* No. 353, *Jamabandi* No. 865. Husband of informant with the help of another property dealer namely Braj Kishore Singh sold the property of petitioner to one Md. Najmul Hoda *vide* Deed No. 24377 on 20.01.2021 and received the amount from Braj Kishore Singh on different dates but he did not pay the entire amount to petitioner. He next submits that petitioner has not received any money from informant. Moreover, the dispute involved in this case in regarding sale and purchase of land which is purely of civil nature and informant has got alternative remedy before the court below.

5. Learned A.P.P. for the State vehemently opposed the bail application.

6. Considering the nature of accusation, this anticipatory bail is allowed and it is ordered that let the above named petitioner in the event of his arrest/surrender before the court below within a period of eight weeks from today, 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 Judicial Magistrate, 1st Class, Patna in connection



with Gardanibag P. S. Case No. 613 of 2022, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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