

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54411 of 2024

Arising Out of PS. Case No.-159 Year-2024 Thana- DUMRAO District- Buxar

Dinesh Pathak @ Dinesh Kumar Pathak S/o Suraj Kumar Pathak R o Village Behind Electricity office Bypass Colony Dumraon P S Dumraon District Buxar

... .. Petitioner/s

Versus

1. The State of Bihar
 2. Tej Narayan Chaudhary S/o Late Amarnath Chaudhary R/o vill - Mohamadpur North to Duraon Station, P.s. - Dumraon, Distt. - Buxar
- Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 55266 of 2024

Arising Out of PS. Case No.-159 Year-2024 Thana- DUMRAO District- Buxar

Rohit Kumar Singh @ Rohit Singh S/O Mritunjay Kumar Singh R/O Village- By pass Colony Dumraon, P.S.- Dumraon, Dist.- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 54411 of 2024)

For the Petitioner/s : Mr. Mohit Shriwastava

For the Opposite Party/s : Mr. Anil Kumar

(In CRIMINAL MISCELLANEOUS No. 55266 of 2024)

For the Petitioner/s : Mr. Akhilesh Kumar Pandey

For the Opposite Party/s : Mr. Jharkhandi Upadhyay

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 31-08-2024 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 Dumrao Police Station Case No. 159 of 2024/GR No. 1230/24, disclosing offences under Sections 406, 420, 467, 468, 504, 506, 34 of the Indian Penal Code.

3. As per the First Information Report, co-accused Rohit Kumar Singh represented the informant that he wants to sell the land situated behind the electricity office on which Dinesh Kumar



Pathak/Petitioner endorsed that the land is good for purchase. On the representation of the co-accused and Dinesh Kumar, the informant agreed to purchase the land in question for which Rs. 1,50,000/- was given to the petitioner (Dinesh Pathak) and an agreement for sale between Rohit Kumar Singh and the informant was executed having the consideration amount of Rs. 14,50,000/-. The informant paid a total amount of Rs. 10,50,000/- against the agreement amount of Rs. 14,50,000/-. The land was not registered in favour of the informant and the accused persons dishonestly sold the land in favour of some other person. However, a sum of Rs. 1,50,000/- was returned by co-accused Rohit Singh through cheque. The remaining amount of the informant has been misappropriated by the accused persons.

4. Learned Counsel for the petitioner appearing in Cr. Misc. No. 54411 of 2024 submits that insofar as sum of Rs. 1,50,000/-, given to the petitioner by the informant, is concerned, the Petitioner/Dinesh Pathak alias Dinesh Kumar Pathak is ready to return the same in favour of the informant within a period of four weeks by bank draft.

5. Learned counsel for the petitioner in Cr. Misc. No. 55266 of 2024 submits that out of Rs. 10,50,000/-, Rs. 1,50,000/- was returned to the informant by cheque and further Rs. 9,00,000/- has been paid as stated in paragraph nos. 10 and 12 of the bail application.

6. On the other hand, learned counsel for the informant



opposes the prayer for bail and submits that the petitioners deceived and cheated the informant and thereby caused wrongful loss to the informant and duped the amount paid by the informant to the petitioners. Though, the petitioner of Cr. Misc. No. 55266 of 2024 claims that he has returned the entire amount but no proof of the same has been annexed along with the bail application and the mode of payment of remaining amount of Rs. 9,00,000/- has also not been stated in the bail application. Rs. 1,50,000/- has been paid by the Petitioner/Rohit Singh which has been acknowledged by the informant. The petitioner of Cr. Misc. No. 54411 of 2024, Dinesh Pathak is ready to return a sum of Rs. 1,50,000/- in favour of the informant within four weeks.

7. Considering the aforesaid discussion, I am not inclined to grant privilege of anticipatory bail to petitioner of Cr. Misc. No. 55266 of 2024 namely Rohit Kumar Singh and the same is rejected. However, petitioner in Cr. Misc No. 54411 of 2024 namely Dinesh Pathak alias Dinesh Kumar Pathak, is ready to refund the sum of Rs. 1,50,000/- given to him by the informant in his favour within four weeks, I am inclined to grant privilege of anticipatory bail to Petitioner/Dinesh Pathak alias Dinesh Kumar Pathak on the condition that he shall refund the amount of Rs. 1,50,000/- in favour of the informant by way of bank draft positively within four weeks.

8. This application is, accordingly, allowed to the extent indicated above.



9. Let the petitioner, above named, Dinesh Pathak of Cr. Misc. No. 54411 of 2024, in the event of his arrest or surrender before the Court below within six 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 Dumrao Police Station Case No. 159 of 2024/GR No. 1230/24, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure with further condition that he shall return a sum of Rs. 1,50,000/- in favour of the informant by way of bank draft within four weeks and shall produce the acknowledgment receipt of the same at the time of furnishing the bail bonds.

(Anil Kumar Sinha, J)

HarshPandey/-

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