

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61639 of 2023**

Arising Out of PS. Case No.-520 Year-2022 Thana- SIWAN MUFFASIL District- Siwan

1. AMARJEET GOND @ AMARJEET KUMAR GAUR @ AMARJEET KUMAR GOND S/O PARSHURAM PRASAD @ PARSHURAM GOND R/O VILLAGE- JHARNA TOLA, P.S- SHAHPUR, DISTT.- GORAKHPUR, PERMANENT ADDRESS RESIDENT OF VILLAGE- SAHOPAR BHISADEI, P.S- BHATANI, DISTT.- DEORIA.
2. RAMAYAN GOND S/O VISHRAM GOND R/O 25A, JHARNA TOLA, KUDA GHAT, P.S- SHAHPUR, DISTT.- GORAKHPUR.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey
For the Opposite Party/s : Mr. Jai Narain Thakur

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

- 3 29-02-2024 1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State as well as learned counsel appearing on behalf of the informant.
2. This application, for grant of anticipatory bail, arises out of Siwan Muffasil Police Station Case No. 520 of 2022, dated 03.09.2022, disclosing offences under Sections 406/420 of the Indian Penal Code.
3. The prosecution case, as per the First Information Report, is that the petitioners represented the informant that they would arrange a piece of land in Gorakhpur with a promise that the total consideration amount of land would



be Rs.15,00,000/-, having an area of 12 Dhur. Out of Rs. 15,00,000/-, the informant paid a sum of Rs. 5,00,000/-, in two installments of Rs. 2 Lakh and Rs.3 Lakh, on 27.01.2021 and 17.04.2021 respectively. But, the petitioners, neither arranged/provided the land in favour of the informant nor returned the advance of Rs. 5,00,000/- to him.

4. Learned Counsel for the petitioners submits that the petitioners have not committed any offence in the manner alleged. He further submits that petitioners have also lodged First Information Report against the informant stating therein that the informant had taken loan of Rs. 3,50,000/-, but the same has not been returned by the informant.
5. On the other hand, learned counsel for the informant vehemently opposes the prayer for bail and submits that the petitioner no. 1 has signed the agreement accepting that the petitioners have received a sum of Rs. 5,00,000/- as advance for arranging/providing land in favour of the informant. He further submits that the agreement is signed by the petitioner no. 1 only and when the legal notice was given by the informant to the petitioners, only



then the petitioner no. 1 has lodged First Information Report on false allegation.

6. Regards being had to the submissions made on behalf of the parties and taking into consideration the fact that the present First Information Report has been lodged arising out of land transaction between the parties and both the parties have lodged First Information Report against one another, I am inclined to grant the petitioners privilege of anticipatory bail.
7. This application is, accordingly, allowed.
8. Let the petitioners, above named, in the event of their 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, Siwan, in connection with Siwan Muffail Police Station Case No. 520 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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