

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74520 of 2024

Arising Out of PS. Case No.-317 Year-2024 Thana- GOPALGANJ TOWN District-
Gopalganj

Dhrup Bhagat @ Dhrup Prasad S/O Late Devicharan Bhagat Resident of
village - Bhojpurwa, Police Station - Manjhagarh, Distt.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Thakur Brajesh Singh, Advocate
For the Opposite Party/s : Mr. Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 18-10-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Gopalganj Town P.S. Case No. 317 of 2024 dated 24.04.2024,
instituted for the offence punishable under Sections 420 and
406/34 of the Indian Penal Code.

3. The prosecution case, in short, is that on
27.01.2021, the informant gave Rs. 5 lakhs to petitioner and
petitioner after counting the money, gave it to Rameshwar
Prasad and after receiving the said amount Rameshwar Prasad
executed an agreement to sale in favour of the informant. It is
further alleged that after one month when informant asked the
petitioner to get the sale deed executed in her favour, then he
started delaying the matter. Thereafter, petitioner assured her to



return the money and on 20.01.2024, when the informant reached the house of petitioner to take her money, then he refused to return the money and started abusing and assaulting her along with other accused persons.

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 status of the petitioner is merely of a negotiator for agreement to sale of the land between the informant and Rameshwar Prasad, who is said to be the owner of the land. The agreement between the informant and Rameshwar Prasad was executed on 27.01.2021 for 17 dhurs of land. The informant gave Rs. 5,00,000/- as an advance money to the petitioner, who handed over the same to Rameshwar Prasad in presence of the informant. It is further submitted that the informant arranged the remaining amount and requested the petitioner to get the sale deed executed in her favour but, he did not execute the sale deed in favour of informant. Thereafter, informant requested the petitioner to return the said money, but he kept on taking time. Thereafter, the informant visited on the address of Rameshwar Prasad, but she did not find any person of that name. It is further submitted that allegation against the petitioner, is that he negotiated the agreement to sale of the land



between the informant and said Rameshwar Prasad. There is no allegation against the petitioner of keeping the advance money of Rs. Five lakhs with him. It is also submitted that petitioner is neither the executor nor the identifier of the said agreement to sale. The case is purely civil in nature. The petitioner has no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for 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 Gopalganj Town P.S. Case No. 317 of 2024, he shall be released on anticipatory 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 Chief Judicial Magistrate, Gopalganj, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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