

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73459 of 2023

Arising Out of PS. Case No.-770 Year-2022 Thana- GAYA KOTWALI District- Gaya

NIRAJ KUMAR @ NIRAJ SINHA SON OF AJAY KUMAR RESIDENT OF
VILLAGE - GODAWARI KUMHAR TOLI, POLICE STATION - RAMPUR,
DISTRICT - GAYA

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR BIHAR
2. MONIKA JAIN WIFE OF ANUP KUMAR JAIN RESIDENT OF 12,
DURGA SHANKAR ROAD, POLICE STATION - KOTWALI AND
DISTRICT - GAYA

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Aryan Singh
For the Opposite Party/s	:	Mr. Ram Sumiran Rai
For the Informant	:	Mr. Sunil Kumar Yadav

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 09-04-2024 Heard learned counsel for the parties.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 406, 420 and 34 of the Indian Penal Code.

3. As per the FIR, the petitioner and co-accused Aryan Singh negotiated with the informant for selling a piece of land bearing Khata No.214, Plot No.329 measuring an area of 2720 sq.ft at the rate of Rs.12.70 lakhs per katha, upon which Rs.5 lakhs was transferred on 20.06.2022, Rs. 5 lakhs was transferred on 22.06.2022 through RTGS and Rs.45000 was transferred through Paytm and Rs.15000 was given as cash. The amount



was transferred on the request of co-accused Aryan Singh in the account of the petitioner. The allegation against the petitioner is that after taking money from the informant he and co-accused Aryan Singh refused to execute the sale deed and also refused to return the amount.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. He submits that the petitioner only received Rs.45000/- from the informant through Paytm and petitioner is ready to return the same to the informant. Petitioner has no criminal antecedent.

5. Learned APP for the State as well as learned counsel for the informant opposed the prayer for anticipatory bail.

6. Having regard to the facts and circumstances of the case as the petitioner is ready to return the said amount of Rs.45000 to the informant, let the above named petitioner, be released on bail, in the event of his/her arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is



pending/Successor Court in connection with Kotwali P.S. Case No.770 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. Petitioner is directed to return the amount of Rs.45000 to the informant at the time of furnishing his bail bond in the learned Court below.

(Anjani Kumar Sharan, J)

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