

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77249 of 2024

Arising Out of PS. Case No.-58 Year-2023 Thana- KIUL District- Lakhisarai

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Ram Kishor Prasad @ Ram Kishor Mandal Son of Late Vinod Mandal Village
-Mahadevnagar PS -Kiul Distt- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lalan Kumar

For the Opposite Party/s : Mr. Rita Verma

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 20-11-2024 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 Kiul Police Station Case No. 58 of 2023, disclosing
offences under Section 406 of the Indian Penal Code.

3. As per the FIR, a sum of Rs. 1.2 lacs was taken by
the petitioner as loan from the informant on 12.04.2013.
Subsequently, on 21.09.2013, the petitioner again took a sum of
Rs. 65,000/- and promised that he would repay the amount
within two months and if the petitioner fails to repay, he would
execute a sale deed of his seven katthas of land in favour of the
informant in lieu of the amount in question. It has further been
alleged that an agreement was executed for this purpose
between the informant and the petitioner in which the mother of



the petitioner was also a signatory.

4. Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner as alleged and on the basis of the allegation made in the FIR, Section 406 of the IPC is not attracted. There is no entrustment in favour of the petitioner by the informant. The allegation is of taking money as a loan which was not refunded and the petitioner also did not execute the sale deed in lieu of that money. He further submits that fact of the matter is that informant's side is having bad eyes on the land of the petitioner and in order to create a document in their favour, the petitioner was kidnapped by the informant and others for which Chanan P.S. Case No. 114 of 2017 was lodged by the petitioner against them on 15.10.2017 alleging that after kidnapping, the informant and others took signature of the petitioner on the blank paper and stamp paper. He next submits that at best, the allegation gives rise to a civil dispute.

5. On the other hand, learned counsel for the State opposes the prayer for anticipatory bail and submits that the petitioner has executed an agreement to sell the land in lieu of the loan amount and has resiled from his promise and refused to register sale deed for the subject land.



6. Having regard to the submissions made on behalf of the parties and taking into consideration the nature of allegation and the fact that the allegation arises out of the money transaction, I am inclined to grant the petitioner privilege of anticipatory bail.

7. This application is, accordingly, allowed.

8. Let the petitioner, above named, in the event of his 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, Lakhisarai, in connection with Kiul Police Station Case No. 58 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

HarshPandey/-

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