

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77137 of 2023

Arising Out of PS. Case No.-859 Year-2021 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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SANJEEV KUMAR SINGH S/O LATE OM PRAKASH SINGH VILLAGE-
PANHAS, PS. TOWN (LOHIYA NAGAR O.P), DIST. BEGUSARAI

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. SATYADEV SINGH S/O LATE BALDEO SINGH VILLAGE-
ADITIYAPUR (KULUPATANJ) PS. R.T.I. DIST. SARAİKELA SARSAWA
PIN CODE NO. 831013 AT PRESENT ADDRESS- ANANDPUR, PS.
NAGAR, DIST. BEGUSARAI.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar, Advocate
For the Opposite Party/s : Mr.Satyendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 4 31-07-2024 1. Heard learned Counsel for the petitioner and
learned APP for the State.
2. This application, for grant of anticipatory bail,
arises out of Complaint Case No. 859C of 2021, disclosing
offences punishable under Section 420 of the Indian Penal Code
and Section 138 of Negotiable Instruments Act.
3. As per the allegation, the petitioner sold a piece of
land at Mauza-Anandpur, Thana no. 351, Tauzi no. 852, Khata
no. 3, Khesra no. 164, area 6 dhurs for a total consideration
amount of Rs. 16,51,000/- and an agreement in this regard was
executed on 27.09.2019. The sale deed was executed by the



petitioner in favour of opposite party no. 2 and his wife on 13.11.2019. Subsequently, it was detected that the petitioner has sold the same land, which was already transferred by him in favour of another purchaser namely Binod Kumar Singh, by sale deed dated 05.01.2019.

4. Learned Counsel for the petitioner submits that without prejudice to the right and contention of the petitioner, the petitioner is ready to pay a sum of Rs. 10,70,000/- to opposite party no. 2, within a period of 03 months from today. Learned counsel further submits that at the time of furnishing bail bond, the petitioner shall deposit a sum of Rs. 5 lacs by way of bank draft drawn in favour of opposite party no. 2.

5. Learned counsel for the complainant/ opposite party no. 2 argued that the petitioner had paid a sum of Rs. 16,51,000/-. He further argued that without prejudice to the right of opposite party no. 2 to claim the balance amount, the offer made by the petitioner for refund of Rs. 10,70,000/- is acceptable, at present.

6. Regard being had to the submissions made on behalf of the parties and taking into consideration the fact that the petitioner is ready to pay the consideration amount of



Rs. 10,70,000/- in favour of opposite party no. 2 by way of bank draft and the offer made by petitioner has been accepted by opposite party no. 2, I am inclined to grant the privilege of anticipatory bail to the petitioner, subject to the condition that he shall pay a sum of Rs. 5 lacs to opposite party no. 2 on the date of surrender/ furnishing of bail bond, by way of bank draft, drawn in the name of opposite party no. 2 and balance amount of Rs. 5,70,000/- shall be paid by the petitioner to the opposite party no. 2, within a further period of three months.

7. This application is, accordingly, allowed.

8. Let petitioner, abovenamed, 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 Judicial Magistrate-1st class, Begusarai in connection with Complaint Case No. 859C of 2021, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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