

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73738 of 2023

Arising Out of PS. Case No.-667 Year-2023 Thana- ARA NAGAR District- Bhojpur

Md. Salim Son Of Late Mohammad Abdul Rahim Resident Of Village-
Kasaitola (KAZI Tola), Ara, P.S.-ARA Town, District-Bhojpur

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh

For the Opposite Party/s : Mr. Jai Narain Thakur

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 5 26-06-2024 1. Heard learned counsel for the petitioner and learned A.P.P. for the State along with learned counsel appearing on behalf of the informant.
2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 467, 468, 406 and 420 of the Indian Penal Code.
3. Learned counsel for the informant at the outset submits that in the event if the petitioner returns Rs.24 lacs which he had given to him for purchasing his property in that event he will not pursue the case. It is further submitted that the dispute arose for the reason that informant after paying Rs.24 lacs out of Rs.45 lacs, which was fixed for purchasing the property in question, he came to know that the land pertains to a close khata i.e. the land is Gairmajarua Aam Land.



4. The learned counsel appearing on behalf of the petitioner rebuts the said submission of the learned counsel appearing on behalf of the informant and submits that petitioner had purchased the land in the year 2012 by a registered sale deed executed by Md. Asgar, as such, the petitioner in the F.I.R. falsely alleged that the land is a Gairmajarua Aam land. It is next submitted that petitioner had only paid Rs.14 lacs and not Rs.24 lacs, it is next submitted that petitioner received Rs.14 lacs in his account and as far as allegation of the informant that he paid Rs.10 lacs in cash is nothing but mere exaggeration. It is next submitted that petitioner is willing to legitimate due and not the fanciful demand of the informant. It is also submitted that petitioner had already paid an amount of Rs.1.5 lakh, as such, he is ready to return Rs.12.5 lacs, on which, the learned counsel appearing on behalf of the informant submits that whether petitioner paid Rs.24 lacs or Rs.14 lacs is an aspect of trial but if the informant is ready to return 12.5 lacs, in that event, he has instruction not to oppose the anticipatory bail application.

5. The learned counsel appearing on behalf of the petitioner submits that the amount of Rs.12.5 lacs would be paid within a period of 7 months. The said submission of the learned



counsel appearing on behalf of the petitioner is not objected by the learned counsel appearing on behalf of the informant. It is also submitted that petitioner at the time of surrender would pay an amount of Rs.2.5 lacs to the informant.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on **provisional anticipatory bail** on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Ara Town P.S. Case No.667/2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, the learned trial court at the time of accepting the provisional anticipatory bail bonds of the petitioner, shall verify from the informant that as to whether Rs. 2.5 lacs has been credited in his account or not, in the event, if the amount is not credited, in that event, the present order shall loose its effect but if the amount is credited, the provisional anticipatory bail bonds, shall be accepted.

8. It is further made clear that if the petitioner repays



the rest amount of Rs.10 lacs by 31.01.2025, in that event, the learned trial court shall confirm the provisional anticipatory bail bonds of the petitioner on the same terms and condition but if the amount of Rs. 10 lacs is not paid on or before 31.01.2025, the learned trial court shall be at liberty to cancel the provisional anticipatory bail bonds of the petitioner.

(Satyavrat Verma, J)

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