

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79140 of 2023

Arising Out of PS. Case No.-316 Year-2023 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Kumar Manish S/O Late Anil Kumar Singh R/O Village- Amba, Ps. Amba,
Dist. Aurangabad

... .. Petitioner/s

Versus

1. The State of Bihar
2. Lalan Kumar S/O Late Ganaur Sah R/O Village- Dumri Ward No. 11, Ps.
N.H Bangra, Dist. Samastipur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, A.P.P.

Mr. Puneet Siddhartha, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 10-07-2024 Heard learned counsels for the parties.

2. Petitioner apprehends arrest in a case registered for
the offences punishable under Sections 341, 323, 504, 506, 417
of the Indian Penal Code.

3. It is alleged that this petitioner entered into an
agreement with the complainant to sell a piece of land and had
received part consideration money for registration of the same.
Thereafter, this petitioner refused to register the property in
favour of the complainant and also failed to return the amount.

4. Learned counsel for the petitioner submits that the
allegations made in the complaint petition are predominantly
civil in nature. No acts, as mentioned in the complaint petition,



allegedly committed by the petitioner, give rise to any criminal liability. However, without admitting his guilt, at this stage, petitioner is ready to pay the amount of Rs. 10 lacs to the complainant, in easy installments.

5. Learned counsel for the complainant does not dispute the contention made on behalf of the petitioner.

6. Considering the fact that petitioner is ready to pay the amount of Rs. 10 lacs, this anticipatory bail is allowed and it is ordered that the above named petitioner in the event of his arrest/surrender before the court below within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 1st Class, Samastipur in connection with C.R. No. 316 of 2023, T.R. No. 1106 of 2023, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure as also, the following conditions:-

‘(i) At the time of furnishing bail-bond, the petitioner shall refund Rs. 2,00,000/- (Two Lacs) to the complainant through demand draft.

(ii) Rest amount i.e. Rs. 8,00,000/- (Eight Lacs) shall be refunded to the complainant through demand draft in 8 equal



installments of Rs. 1,00,000/- (One Lac) each within a period of one year thereafter.

(iii) If the petitioner fails to comply, Court below is at liberty to cancel his bail-bond.’

(Prabhat Kumar Singh, J)

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