

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82332 of 2023

Arising Out of PS. Case No.-295 Year-2023 Thana- BIHTA District- Patna

ASHWANI KUMAR @ NIRAJ KUMAR Son of Nalin Kumar R/o vill -
Tajpur, P.O. - Kamla Gopalpur, P.S. - Bihta, Distt. - Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Amar Verma S/o Ram Dayal Verma R/o vill and Post - Dhanaut, P.S. -
Rupaspur, Distt. - Patna, At present B 107, Police Colony, Anisabad, P.S. -
Gardanibag, Distt. - Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dhananjay Kumar Tiwary, Advocate
For the Opposite Party/s	:	Mr. Surendra Prasad Singh, APP
For OP 2	:	Manoj Kumar Ambastha, Advocate Raju Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 19-03-2024 Heard learned counsel for the parties.

2. Petitioner apprehends arrest in a case registered for
the offence punishable under Sections 419, 420, 406, 504 and
506 of the Indian Penal Code .

3. As per the prosecution case, the informant after
verifying the land in question and its documents, negotiated and
agreed to the rate fixed at Rs. 12,10,000/- per *katha* and
accordingly with regard to the said land agreement to sale dated
28.09.2021 was executed by co-accused *Sujit Kumar* and
Ashwani Kumar (petitioner) in favour of informant and one
Naina Verma after receiving an advance amount of Rs.



5,51,000/- through cheque . It is further alleged that till 10.01.2023 Rs. 1,19,61,000/- was paid to all the accused persons through Cash , Cheque , RTGS and Bank Transfer. It is further alleged that as per FIR, the informant erected a boundary wall and soil filling on the land in question. When the informant asked about the registration of the land, the accused persons started demanding of Rs. 5 crore additionally to the agreed amount and threatened not to registered the land. It was also reveal that the land in question has already sold to another person .

4. At the outset, learned counsel for the petitioner submits that he is ready to pay the amount of **Rs. 9.50/- lacs (Nine lacs fifty thousand)** in installments to the Opposite Party No. 2.

5. Considering the aforesaid contention made on behalf of the petitioner, this anticipatory bail is allowed and it is ordered that let 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 learned ACJM- I , Danapur, Patna in connection with Bihta (Neora OP) P. S. Case No. 295



of 2023 , subject to condition as laid down under Section 438(2)
of the Code of Criminal Procedure with direction to the
petitioner that :-

(i) Petitioner shall refund Rs. 2,0000/- (two lacs) through Bank Draft/cash in the Nazarat of Civil Court, Danapur, Patna at the time of furnishing bail-bond.

(ii) The petitioner shall refund the rest amount i.e., Rs. 7,50,000/- (seven lac fifty thousand) in four equal installments of Rs. 1,87,500/- (one lakh eighty seven thousand five hundred) through Bank Draft/cash in the Nazarat of Civil Court, Gaya within a period of one year from the date of furnishing bail-bond.

(iii) The aforesaid payment shall be subject to the final outcome of the case .

(iv) If petitioner does not abide by the aforesaid directions, the learned Court below is at liberty to cancel the bail-bond of the petitioner.

(Prabhat Kumar Singh, J)

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