

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2398 of 2024

Arising Out of PS. Case No.-418 Year-2023 Thana- FATEHPUR District- Gaya

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1. Ajay Kumar S/O Rohan Yadav R/O Village- Dhaneta P.O.- Ekamba, P.S.- Fatehpur, Dist.- Gaya, Bihar
 2. Karu Yadav @ Karu Prasad Son Of Rohan Yadav R/O Village- Dhaneta P.O.- Ekamba, P.S.- Fatehpur, Dist.- Gaya, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anil Kumar Singh S/O Deoki Nandan Singh R/O Adampur, P.S.- Bhadaur, Dist.- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Nand Kumar, APP

Mr. Aklavya Chandan Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 26-06-2024 Heard learned counsel for the petitioners, learned A.P.P. for the State and learned counsel for the informant/opposite party no. 2.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 420, 406, 506 of the Indian Penal Code.

3. The prosecution case, in brief, is that as per agreement, petitioner no. 1 paid Rs. 7,00,000/- to the opposite party no. 2 for the purchase of land, but subsequently he refused to purchase the said land and asked to return his money. It is further alleged that thereafter, informant sold his land to some other person and refunded Rs. 7,00,000/- to petitioner no. 2, who is own brother of petitioner no. 1, but despite receiving the



alleged amount of Rs.7 lacs, petitioners denied to have received any money from the informant.

4. Learned counsel for petitioners submits that petitioners have been falsely implicated in this case. As a matter of fact, a deed of agreement was prepared between the wife of informant and petitioner no. 1 for sale and purchase of land on a consideration money of Rs. 10,88,000/-, out of which, petitioner no. 1 paid Rs. 7,00,000/- to wife of informant and Rs. 1,00,000/- was spent over making agreement and rest amount of Rs. 2,88,000/- was to be paid within 15 days from the date of agreement. Accordingly, petitioners, within prescribed time, went to the house of informant with rest money i.e. Rs. 2,88,000/-, but they shocked to know the fact that informant got high rate from some other person and sold the said land to him, and when petitioners demanded their money from informant, he refused to do so. Moreover, the dispute is purely of a civil nature. In this regard, a title suit, bearing Title Suit No. 96 of 2023, is already pending in the court of learned Sub-Judge, Gaya. Petitioners have got clean antecedent.

5. However, learned A.P.P. for the State and learned counsel for the informant/opposite party no. 2 vehemently opposed prayer for anticipatory bail.



6. Considering the aforesaid facts and circumstances, let the above-named petitioners, in the event of arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bonds of **Rs. 10,000/-** (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Gaya / concerned court in connection with Fatehpur P.S. Case No. 418 of 2023, subject to condition as laid down under Section 438 (2) of the Code of Criminal Procedure, 1973.

(Prabhat Kumar Singh, J)

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