

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85734 of 2023

Arising Out of PS. Case No.-731 Year-2022 Thana- GOPALGANJ TOWN District-
Gopalganj

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1. Manoj Singh S/O Kailash Pati Singh @ Kailashpati Singh, R/O Village-Khargauli, P.S- Yadopur, Distt.- Gopalganj. At Present Resident Of Village-Banjari Brahm Sthan @ Banjari Brahmsthan, P.S and Distt.- Gopalganj.
 2. Braj Kishore Tiwari @ Vrajkishore Tiwari @ Brajkishore Tiwari S/O Late Ghanshyam Tiwari, R/O Vill.- Hajiypur Khaar, Ward No.-10, P.S and Distt.- Gopalganj.

... .. Petitioners

Versus

1. The State of Bihar
2. Basanti Devi @ Vasanti Devi, female aged about 52 years, w/o Late Chandrika Bhagat, r/o village + PO- Madhopur, PS- Madhopur (O.P.), Barauli, Distt.- Gopalganj.

... .. Opposite Party/s

Appearance :

For the Petitioners : Mr. Setu Prateek, Advocate
For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-03-2024 Heard Mr. Setu Prateek, the learned counsel for the

petitioners, the learned counsel for the informant and Mr. Anuj

Kumar Shrivastava, the learned Additional Public Prosecutor for

the State.

2. The petitioners are apprehending their arrest in

connection with Gopalganj (Town) PS Case No. 731 of 2022,

FIR dated 06.09.2022, registered for the offences punishable

under Sections 420 and 406 read with Section 34 of the Indian

Penal Code.

3. According to prosecution case, the petitioners



showed informant the land in question which she agreed to purchase and later on when the agreement of sale was executed between the land owner and the informant, the petitioners were the identifiers of the said document. It is further alleged that despite the informant transferring Rs. 10,00,000/- (Rupees ten lakhs) in the account of the seller of the land in question, the same did not execute the sale deed in her favour.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that upon perusal of the FIR, it appears that the petitioners are neither the owner of the land in question nor they have executed the agreement of sale which was executed between the buyer and the seller. He further submits that, in fact, the Opposite Party No. 2 has paid rupees ten lakhs to the owner of the land in question namely, Shekhar Kumar Shrivastav and petitioners were only identifiers of the agreement of sale and they have not received any amount from the Opposite Party No. 2.

5. The learned counsel for the informant as well as the Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioners and submits that in pursuance of the petitioners, the Opposite Party



No. 2 has agreed to purchase the land in question and even after paying the of amount of rupees ten lakhs, the owner of the land has not executed the sale deed in favour of the Opposite Party No. 2.

6. Considering the aforesaid facts and circumstances and the fact that the petitioners have clean antecedent, they have not received any amount from the Opposite Party No. 2 and they were merely the identifier of the agreement of sale, let the petitioners, above-named, in the event of their arrest or surrender before the trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gopalganj, where the case is pending in connection with **Gopalganj (Town) PS Case No. 731 of 2022**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and shall remain physically present as directed by the trial Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the trial



Court.

(ii). If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii). And further condition that the trial Court shall verify the criminal antecedent of the petitioners and in case, at any stage, it is found that the petitioners have concealed their criminal antecedent, the trial Court shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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