

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2772 of 2024

Arising Out of PS. Case No.-396 Year-2022 Thana- BUXAR COMPLAINT CASE District-
Buxar

-
1. Budhan Singh Son of Late Banarsi Singh Resident of Village- Birna, Ps-
Dhansoin, Dist- Buxar
 2. Vijay Pratap Singh Son of Late Yamuna Singh Resident of Village-
Dhansoin, P.S.- Dhansoin, Dist- Buxar

... .. petitioners/s

Versus

1. The State of Bihar
2. Sunaina Devi Wife of Madan Chand Ram Resident of Village- Jalalpur, Ps-
Dhansoin, Dist- Buxar

... .. Opposite Party/s

Appearance :

For the petitioners/s : Mr. Dr.Kamal Deo Sharma, Advocate
For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 31-01-2024 Learned counsel for the petitioners submits that the

petitioner no.1 Budhan Singh has been arrested and for this

reason, he seeks permission to withdraw the present petition

against petitioner no.1.

2. Permission is accorded.

3. Accordingly, the present petition is dismissed as

withdrawn against petitioner no.1.

4. Heard learned counsel for the petitioner and

learned APP for the State.

5. In the present case, the petitioner no.2 is

apprehending arrest in connection with Complaint Case No. 396



of 2022, filed on 06.05.2022 for the offences under Sections 406 and 420 of the Indian Penal Code.

6. As per prosecution case, co-accused Sri Kishun Ram entered into an agreement of sale with the complainant for certain piece of land and received payment of ₹1,25,000/- towards the same. Later on, the complainant came to know that the land supposed to be transferred by the co-accused was not transferable since the said land was received by co-accused Sri Kishun Ram by way of Purcha (settlement). Petitioner no.2 is stated to be the witness on the agreement to sale paper.

7. The learned counsel for the petitioner submits that the petitioner no.2 is innocent and has been falsely implicated in this case. The petitioner no.2 has no role to play in the whole episode except that he along with other co-accused Budhan Singh put their signatures on the agreement to sale paper as witnesses. Co-accused Sri Kishun Ram and the complainant are co-villager and petitioner no.2 belongs to a different village. Petitioner no.2 had no knowledge about the nature of the said land. He merely put his signature as identifier witness. Moreover, there is no allegation of any wrong doing against petitioner no.2 in the complaint petition. The nature of the dispute is civil and similarly placed co-accused Garjan



Singh has been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 01.11.2023, passed in Cr. Misc. No. 68294 of 2023. The petitioner no.2 is having clean antecedent.

8. Learned APP opposes the submission made on behalf of the petitioner.

9. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the completely vague allegation against petitioner no.2 without any substantive material and further considering strong possibility of false implication, let the petitioner no.2 above named, in the event of arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of ₹10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar/concerned court in connection with Complaint Case No. 396 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions :

- (i) One of the bailors will be a close relative of the petitioner.



(ii) The petitioner will remain present
on each and every date fixed by the
court below, if so required by the
learned trial court.

(Arun Kumar Jha, J)

Amrendra/-

U		T	
---	--	---	--

