

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2188 of 2024

Arising Out of PS. Case No.-680 Year-2022 Thana- BUXAR District- Buxar

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Amit Pandey@ Amit Kumar Pandey Alias Ankit Pandey Son of Late
Surendra Pandey Resident of Ward no. 17 Ram Bagh Near Makhan Bhog,
P.S.- Buxer (Town), District- Buxer.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Parijat Saurav, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 31-01-2024 Heard Mr. Parijat Saurav, learned counsel appearing

on behalf of the petitioner and the learned Additional Public

Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Buxar (Town) P.S. Case No. 680 of 2022, registered for the
offences punishable under Sections 420 and 406/34 of the
Indian Penal Code.

3. Allegedly, co-accused ‘Satyam Tiwari’ requested
the informant that he needs Rs. 30,00,000/- for business of his
MRF Tyre agency, and for which he has 11 *katha* of land to sell.
Co-accused ‘Satyam Tiwari’ agreed to transfer 11 *katha* of land
in favour of the informant and demanded Rs. 30,00,000/-, as
consideration amount. From 2018-2020, the informant
transferred Rs. 25,00,000/- by way of cheques and also in cash,



but the co-accused 'Satyam Tiwari', neither returned the money nor got the land transferred in the name of the informant. The allegation against the petitioner is of accompanying the co-accused 'Satyam Tiwari' and also accepted some of the money.

4. It is submitted on behalf of the petitioner that from the FIR, the entire allegation revolves around co-accused 'Satyam Tiwari', and the only allegation against the petitioner is that he was accompanying 'Satyam Tiwari', in the matter of negotiation of sell of the land. He next submits that there was an agreement between one 'Om Prakash Pathak' and 'Satyam Tiwari' for getting 11 *katha* of land of 'Om Prakash Pathak' and in consequent thereto, 'Satyam Tiwari' has got 5 *katha* of land out of that 11 *katha* of land registered in the name of 'Fulpati Devi', wife of the informant 'Sarve Narayan Singh' (informant) vide registered sale deed dated 27.03.2018, and, thereafter, there is a dispute between the 'Satyam Tiwari' and Sarve Narayan Singh, resulting into lodging of the present FIR, moreover, the co-accused 'Satyam Tiwari' against whom the entire allegation revolves around, he has been allowed the privilege of anticipatory bail by the learned co-ordinate Bench of this Court in Cr. Misc. No. 61153 of 2023 vide order dated 13.12.2023.

5. On the other hand, learned counsel for the State



opposed the pre-arrest bail application and submits that from the impugned order, it appears that the petitioner has already received Rs. 4,08,000/- at four different occasion from the informant and he made his signature on the paper also.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of the dispute, which is pre dominantly civil in nature and, moreover, the co-accused ‘Satyam Tiwari’, against whom the entire allegation revolves around, he has been allowed the privilege of anticipatory bail, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Buxar in connection with Buxar (Town) P.S. Case No. 680 of 2022, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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