

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5955 of 2025

Arising Out of PS. Case No.-196 Year-2022 Thana- GOPALPUR District- Patna

Shiv Kumar S/O Late Prabhu Rai R/O Panchayat Bhawan, Noorpur
Chandmari, Danapur Cantt., P.S- Danapur, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Kumar, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 02-05-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case in connection with Gopalpur P.S. Case No. 196 of 2022 dated 13.04.2022 registered for the offences punishable under Sections 406, 420, 120B of the Indian Penal Code.

3. As per the prosecution case, it is alleged that the land broker Umesh Rai and Umesh Kumar executed an agreement deed for sale the land of land lord Duryodhan Mahto, Rani Devi, Chandan Kumar and Manish Kumar and took lot of money from the informant as well as other persons, the land lord and witness Tejan Rai and his partners Prakhar Kumar Soni @



Vikki assured them that the agreement amount would automatically be received by the land lord. They made four agreements to sell the land and Lila Devi paid Rs. 18 lakh, Aarti Kumari paid Rs. 14,50,000/-, Sundari Devi paid Rs. 20,01,000/- and Mira Devi paid Rs. 11 lakhs for total land of 3 katha 400 sq. ft. and all the amount was taken by Umesh Rai, Umesh Kumar, Tejan Rai, Prakhar Kumar, Soni and they were ready to pay rest amount but the accused persons were avoiding to execute the sale deed and sold the land with the co-accused Ranjit Kumar on 04.08.2021 who is the brother of partner and witness Tejan Rai and Ranjit Rai also executed agreement of the said purchased land to the petitioner, who is the nephew of Umesh Rai and as such with the conspiracy with them.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner has not entered into an agreement in favour of the vendee nor he received any amount which appear from the written report itself. The petitioner is neither the owner of the said land nor he has executed any agreement himself in favour of the informant and her relatives. The specific allegation is against the co-accused, Umesh Rai, who executed agreement for sale on 30.08.2021 in favour of Ranjeet Kumar in



connivance with the land owner and the co-accused Umesh Rai misappropriated the amount whereas the petitioner was not aware of the alleged offence. The petitioner has one criminal antecedent as stated at para 3 of the bail petition. The co-accused person has already been granted anticipatory bail by the Co-ordinate Bench vide order dated 31.07.2023 passed in Cr. Misc. No. 42199 of 2023.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Patna in connection with Gopalpur P.S. Case No. 196 of 2022, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure, with a condition:-

(i) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.



7. The application stands allowed.

(Chandra Prakash Singh, J)

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