

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6894 of 2025

Arising Out of PS. Case No.-99 Year-2024 Thana- TANDWA District- Aurangabad

Krishna Kant Mahto @ Krishna Kant Mehta S/o- Late Ramchandra Mahto
Resident of Village-Kanchan Bara, P.S-Tandwa, Distt.- Aurangabad

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ashutosh Kumar S/o- Chaturbhuj Mehta R/o- Kadanda Aashik Nagar Ps-
Mohammedganj Dist- Palamu Jharkhand

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Advocate
For the State : Md. Matloob Rab, APP
For the O.P. No.2 : Ms. Leelawati Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 14-05-2025 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the O.P. No.2.

2. The petitioner seeks bail, apprehending his arrest,
in connection with Tandwa P.S. Case No. 99 of 2024, dated
24.08.2024, registered for the offences punishable under
Sections 406, 419, 467, 468, 120-B, 323, 420, 504 and 506 of
the Indian Penal Code.

3. As per allegation, the accused-petitioner has
received Rs.10,00,000/- from the informant for executing sale
deed in regard to Khata No. 6, Plot No. 1114 area 3.¾ decimal,
however, the sale deed has not been executed nor money has

been returned to the informant.

4. Learned counsel for the Petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that admittedly there is no written agreement for sale between the informant and the petitioner. He further submits that as a matter of fact, there was business partnership between the father of the informant and the petitioner and in that course, petitioner has received Rs.10,00,000/- from the informant because at that time informant and his father were having joint family and later on Rs.20,00,000/- became outstanding dues against the father of the informant and when he asked for re-payment of the same, this false case has been filed to harass the petitioner after six years.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioner has no criminal antecedent.

7. However, learned APP for the State and learned counsel for the informant vehemently oppose the prayer of the Petitioner for bail submitting that the petitioner has committed

cheating by way of received money for executing sale deed but not executed the sale deed.

8. Considering the fact that there is no sale agreement between the informant and the petitioner and there is claim on the part of the petitioner that this money has been received for doing business, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned concerned Court below, in connection with Tandwa P.S. Case No. 99 of 2024, subject to the conditions as laid down under Section 482 (2) B.N.S.S., 2023 and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court

below that statement regarding previous bail petition is wrong,
learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

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