

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14292 of 2025

Arising Out of PS. Case No.-215 Year-2024 Thana- Sahayak Khajanchi District- Purnia

Pankaj Kamti, Son of Shri Yogendra Kamti, Resident of Village - Chhath
Pokhar Panchwati Colony, P.S. - Sahayak Khazanchi, District – Purnea.

... .. Petitioner

Versus

1. The State of Bihar
2. Ramesh Kumar Gupta, Son of Late Ram Krishna Gupta, Resident of
Mohalla - Line Bazar Jhanda Chowk, P.S. - K. Hat, District – Purnea.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Ram Prawesh Kumar, Advocate
For the State	:	Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 28-03-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The present petition has been filed on behalf of the petitioner, apprehending his arrest, in connection with Sahayak Khazanchi PS. Case No.215 of 2024 dated.19.09.2024, registered for the offences punishable under Sections 316(2), 318(94) of the B.N.S.S. Act, 2023 corresponding to Section 406 and 420 of the Indian Penal Code.

3. The prosecution case as emerges from the FIR is that the informant had entered into an agreement for sale with the accused person, who is the petitioner herein for a total amount of Rs. 11,51,000/- and out the total consideration



amount Rs. 11,00,000/- was paid by the informant to the petitioner in cash. However, the sale has not been executed.

4. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that no agreement at all with the informant has been executed by the petitioner and there is no question of taking any money from him and the case is totally false and fabricated. At most, the alleged facts and circumstances constitutes a dispute of civil nature and the informant has remedy as per specific performance and no offence is made out as per the allegation made in the FIR.

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 petition that the petitioner has been made accused in one other case.

7. However, learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, **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 Chief Judicial Magistrate, Purnea, in connection with Sahayak Khazanchi PS. Case No.215 of 2024, subject to the conditions as laid down under Section 438 (2) Cr.PC and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, 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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