

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42780 of 2023

Arising Out of PS. Case No.-207 Year-2022 Thana- RAJIVNAGAR District- Patna

MADAN KUMAR Son of Late Jugeshwar Prasad Resident of Mohalla -
Shivaji Nagar, Kurji, P.S.- Digha, Dist.- Patna ... Petitioner
Versus

1. The State of Bihar
2. Aman Kishor Singh Son of Chandra Kishor Prasad Resident of Mohalla -
Abhyuday Nagar, Near Surendra Enclave, Rajiv Nagar, P.S.- Rajiv Nagar,
Dist.- Patna at present residing at Rajiv Nagar Road No.- 18 B, P.S.- Rajiv
Nagar, Dist.- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr.Sunil Kumar, Advocate
For the Opposite Party : Mr.Mukesh Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

9 17-01-2025 Heard learned counsel for the petitioner and the State.

Nobody appears for opposite party no.2 even on paper publication.

2. The petitioner apprehends arrest in a case registered for the offence punishable under sections 406/420 of the Indian Penal Code.

3. As per the prosecution case, informant on 30.07.2021, at the behest of co-accused Rupesh Sahani, Sandip Kumar and Avinash Kumar, an agreement was executed by Sunil Kumar and petitioner Madan Kumar for sale of the land in favour of the informant pertaining to Khata No. 752, Plot No. 840 area 40 Katthas situated at Gola Road (Old Basti) Danapur Sahjadpur. In lieu of the said agreement, payment of Rs.



3100000/-(Rupees Thirty One Lakhs) was made through Cheque No. 223774 by the informant. Few days later, on 16.09.2021 Sandeep Kumar came to the office of the informant and took Rs. 700000/-(Seven Lakhs only) to give the land owner. After this, co-accused Sandeep Kumar again demanded Rs. 10,00000/-(Rupees Ten lakhs) in cash which was paid. After this, when the informant wanted to get the boundary wall done on the land, he came to know that all the accused persons have already got the boundary done by taking money from the other persons. When this information given to the accused persons, they started demanding more money. When the informant told them to return his money, those persons started threatening him.

4. Learned counsel for the petitioner submits that the petitioner has not received any money from the informant. Petitioner has got no concern with the allegation made in the FIR, rather he himself has become a victim of conspiracy of land owner, buyer, Sunil Kumar and Sandip Kumar. Petitioner has only signed the agreement and entire money has been taken by Sunil Kumar and Sandip Kumar. Moreover, the dispute is of civil nature and only with a view to put pressure to settle the matter, this criminal case has been filed. Petitioner claims clean



antecedent.

5. Considering the aforesaid facts of the case, prayer for bail of the petitioner is allowed. In the event of arrest/surrender within eight weeks from today, let the petitioner, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate II, Patna in Rajiv Nagar Police Station Case No. 207 of 2022, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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