

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56126 of 2024**

Arising Out of PS. Case No.-333 Year-2021 Thana- KHAGARIA District- Khagaria

Sanjiv Kumar Tulsyan @ Sanjiv Tulsyan Son of Prahlad Roy Tulsyan
Resident of 1, Mayaram Market, Mayaram Road, P.S. and District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pushkar Sahi, Sr. Adv
	:	Mr. Rajesh Ranjan, Adv
For the Opposite Party/s	:	Mr. Shahabuddin Azeem @ S. Azeem, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 16-01-2025 Heard learned Senior Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail, arises out of Khagaria Police Station Case No. 333 of 2021, dated 16.04.2021, disclosing offences under Sections 420, 406, 467, 468, 471 and 120B/34 of the Indian Penal Code and Section 138 of the N.I. Act.

3. The prosecution case, as per the First Information Report, the informant agreed to sale a piece of land to the petitioner for a consideration amount of Rs. 1,70,00,000/- for which an agreement for sale was executed. The informant paid a sum of Rs. 24,00,000/- out of which Rs. 10,00,000/- was



transferred through bank and Rs. 14,00,000/- in cash as advance amount. It has further been alleged that during the subsistence of the agreement the informant tried to pay the balance of consideration amount but the petitioner and the other accused persons on pretext of family dispute refused to execute the sale deed in favour of the informant. The petitioner subsequently sold the land to the co-accused *Kanta Kumari* and returned a sum of Rs. 10,00,000/- by way of cheque which was dishonored.

4. Learned Senior counsel for the petitioner submits that as per the agreement dated 06.07.2020, time till 28.02.2021 was given to the informant for payment of the balance consideration amount which the informant failed to pay. As such after expiry of the period of agreement, the land was sold in favour of third party. After bouncing of the cheque, the petitioner has paid a sum of Rs. 10,00,000/- through RTGS on 19.04.2021 in the bank account of the informant's firm, namely, Hanuam Trading. Both the parties agreed to cancel the agreement on 04.04.2021 and the informant received cash as well cheque towards refund of his money as per the written acknowledgment which is evident from Annexure- P/2 series. After investigation police submitted final form not sending the



petitioner for trial, however, the learned Magistrate differed with the police report and has taken cognizance under section 420, 406, 467, 468, 471 and 120B/34 of the Indian Penal Code and U/s 138 of the N.I. Act. The criminal antecedent as stated in paragraph no. 3 of this application have been instituted mostly by the agantes and on the behest of the agantes due to land dispute between them.

5. On the other hand learned counsel for the informant has vehemently opposed the prayer for anticipatory bail and has submitted that the petitioner has accepted the advance amount and sold the land in question in favour of the third party. The petitioner has returned a sum of Rs. 10,00,000/- but money paid in cash was not returned.

6. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that both the parties entered into an agreement for sale by which the petitioner proposed to sale his land for consideration, the advance amount has been returned by the petitioner through RTGS and the police after investigation, exonerated the petitioner and submitted final form, not sending him for trial, I am inclined to grant the petitioner privilege of anticipatory bail.

7. This application is, accordingly, allowed.



8. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Khagaria in connection with Khagaria Police Station Case No. 333 of 2021, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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